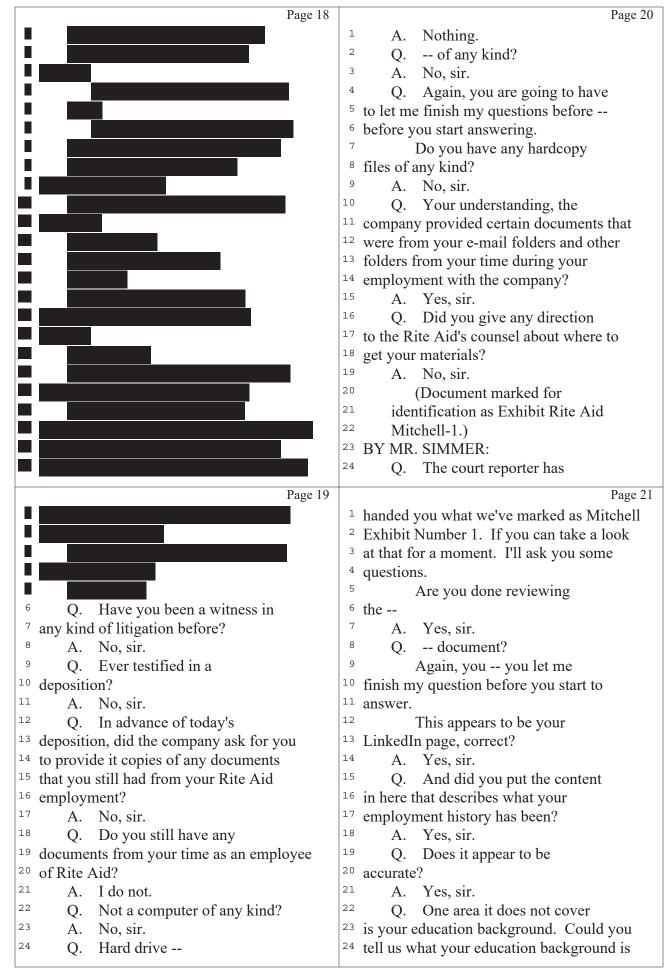
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1
       IN THE UNITED STATES DISTRICT COURT
        FOR THE NORTHERN DISTRICT OF OHIO
3
                EASTERN DIVISION
5
     IN RE: NATIONAL
                             : HON. DAN A.
     PRESCRIPTION OPIATE
                             : POLSTER
     LITIGATION
7
     APPLIES TO ALL CASES : NO.
                             : 1:17-MD-2804
8
9
            - HIGHLY CONFIDENTIAL -
10
    SUBJECT TO FURTHER CONFIDENTIALITY REVIEW
11
12
                January 16, 2019
13
14
15
                 Videotaped deposition of
    KEVIN MITCHELL, taken pursuant to notice,
    was held at the Doubletree Resort by
16
    Hilton, 2400 Willow Street Pike,
    Lancaster, Pennsylvania, beginning at
17
    9:34 a.m., on the above date, before
18
    Michelle L. Gray, a Registered
    Professional Reporter, Certified
    Shorthand Reporter, Certified Realtime
19
    Reporter, and Notary Public.
20
21
22
           GOLKOW LITIGATION SERVICES
          877.370.3377 ph 917.591.5672
23
                 deps@golkow.com
2.4
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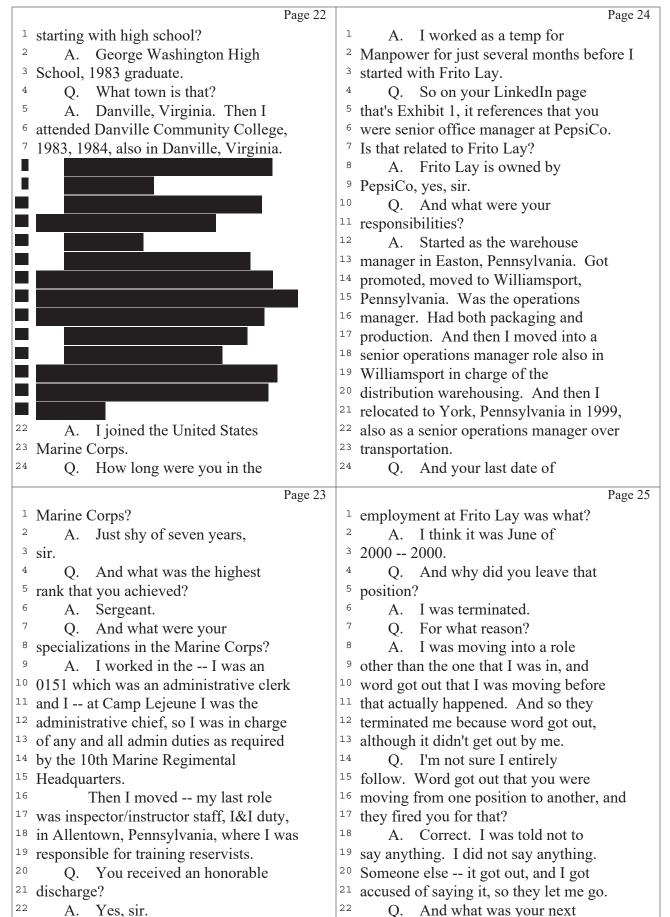
Highly Confidential - Subject t	o further confidentiality Review
Page 2	Page 4
¹ APPEARANCES:	¹ TELEPHONIC APPEARANCES: (Cont'd.)
BARON & BUDD, P.C. BY: W. SCOTT SIMMER, ESQ.	³ ARNOLD PORTER KAYE SCHOLER, LLI BY: DAVID HIBEY, ESQ.
600 New Hampshire Avenue, NW	4 601 Massachusetts Ave, NW
The Watergate, Suite 10-A Washington, D.C. 20037 5 (202) 333-4562	Washington, D.C. 20001 5 (202) 942-6992
5 (202) 333-4562 Ssimmer@baronbudd.com	David.hibey@arnoldporter.com Representing the Defendants, Endo Health
6 Representing the Plaintiffs	Solutions Endo Pharmaceuticals, Inc.; Par Pharmaceutical Companies, Inc. f/k/a Par
MORGAN LEWIS & BOCKIUS, LLP	Pharmaceutical Holdings, Inc.
1/01 Market Street	⁹ JACKSON KELLY, PLLC
 Philadelphia, Pennsylvania 19103 (215) 963-4824 	BY: ANGELA L. FREEL, ESQ.
Elisa.mcenroe@morganlewis.com	Evansville, Indiana 47708
12 MORGAN LEWIS & BOCKIUS	àlfreél@jacksonkelly.com Representing the Defendant,
BY: KELLY A. MOORE, ESQ. BY: MATTHEW R. LADD, ESQ.	AmerisourceBergen Drug Corporation
101 Park Avenue New York, New York 10178	14 ALSO PRESENT:
(212) 309-6/34	Gretchen Kearney - Paralegal
matthew.ladd@morganlewis.com	16 (Baron Budd) 17 Emma Kaboli, Paralegal
16 Representing the Defendant, Rite Aid of Maryland and the Witness	(Baron Budd - via telephone)
17 18	19 VIDEO TECHNICIAN: Ray Moore
19 20	20
21 22	Mike Kutys
23	22 23
24	24
Page 3 1 TELEPHONIC APPEARANCES:	Page 5
')	$ \begin{array}{ccc} 2 & \text{INDEX} \\ 3 & & \end{array} $
BARON & BUDD, P.C BY: WILLIAM G. POWERS, ESQ. 600 New Hampshire Avenue, NW The Watergate, Suite 10-A Washington, D.C. 20037 (202) 333-4562 Wpowers@baronbudd.com	4
The Watergate, Suite 10-A Washington D.C. 20037	Testimony of:
5 (202) 333-4562 Whowers haronbudd com	6 KEVIN MITCHELL
- and -	⁷ By Mr. Simmer 12, 340, 343 By Ms. McEnroe 323, 341
7	9 10 By Wis. Wiching 323, 341
BARON & BUDD, P.C. BY: NOAH M. RICH, ESQ. 600 New Hampshire Avenue, NW	
The Watergate, Suite 10-A	EXHIBITS
10 (202) 333-4562 Nrich@b-ronbudd.com	12
 BY: NOAH M. RICH, ESQ. 600 New Hampshire Avenue, NW The Watergate, Suite 10-A Washington, D.C. 20037 (202) 333-4562 Nrich@baronbudd com Representing the Plaintiffs 	13 14 NO. DESCRIPTION PAGE
JONES DAY 13 BY: MIRIAM LIABO, ESQ. 77 West Wacker 14 Chicago, Illinois 60601 (312) 269-4166	15 Rite Aid
77 West Wacker 14 Chicago Illinois 60601	Mitchell-1 LinkedIn 20 Profile, Kevin
(312) 269-4166 15 Miabo@ionesday.com	Mitchell
Representing the Defendant, Walmart	Rite Aid 18 Mitchell-2 E-mail Thread 89
17 COVINGTON & BURLING, LLP	1/28/08 Subject,
17 COVINGTON & BURLING, LLP BY: LAUREN C. DORRIS, ESQ. 18 850 10th Street, NW Washington, D.C. 20001 (202) 662-6000	Information Needed
19 (202) 662-6000 Idom's (202) 602-6000	21 Rite Aid ONDE_0010954
ldorris@cov.com Representing the Defendant, McKesson Corporation	Mitchell-3 Justice News 116 Rite Aid Corporation
21 Corporation 22	Rite Aid Corporation And Subsidiaries Agree To Pay \$5 Million
23 24	1/12/09
- -	

Page 6	Page 8
1	1
EXHIBITS (Cont'd.)	EXHIBITS (Cont'd.)
⁵ NO. DESCRIPTION PAGE ⁶ Rite Aid	⁵ NO. DESCRIPTION PAGE
Mitchell-4 Settlement and 124 Release Agreement 1/9/09	Rite Aid Mitchell-15 Cegedim Web Printout 296 Suspicious Order Monitoring Programs Bite Aid
Rite Aid Mitchell-5 Memorandum of 127 Agreement 1/12/09	9 Mitchell-16 E-mail, 6/3/11 304 Subject, SOM
11 Rite Aid Mitchell-6 E-mail Thread 138	Mitchell-17 E-mail Thread 311
Subject, Generic Vicodin Replenishment Rite_Aid_OMDL_0027316-23	Subject, PSE in California Rite_Aid_OMDL_0050632
Rite Aid Signature 15 Mitchell-7 DC Self Assessment 177 Program	Rite Aid
16 D:45 A:4 OMDI 0020525	Rite Aid Rite Aid Mitchell-18 E-mail Thread 12/3/10 Subject, Threshold
Mitchell-8 E-mail Thread 217	Cutbacks Pita Aid OMDI 0046564 65
Cage Procedures Rite Aid OMDL 0016204-05	18 Rite Aid OMDL_0040304-03 18 Mitchell-19 E-mail Thread 332 19 9/22/05 Subject, DEA Audit Perryman Distribution Conference
120	CCITICI
Rite Aid 1 Mitchell-9 Controlled Drug 221 Above Average Order Monitoring Program Rite_Aid_OMDL_0016253-55	Rite_Aid_OMDL_0047171-72
Order Monitoring Program Rite Aid OMDL 0016253-55	Rite Aid Mitchell-20 E-mail Thread 9/30/09
23 — — —	Subject, DEA Audit Rite_Aid_OMDL_0046772-73
Page 7	Page 9
EXHIBITS (Cont'd.)	
4	PREVIOUSLY MARKED EXHIBITS
5 NO. DESCRIPTION PAGE 6 Rite Aid	4
Mitchell-10 Drug Diversion 235	5
Training Rite_Aid_OMDL_0016230-31	6 NO. DESCRIPTION 7 Rite Aid
Rite Aid Mitchell-11 E-mail, 5/3/11 242 Subject, Above	Chapman-1 E-mail Thread 8 11/9/09
Subject, Above Threshold Rite Aid OMDL 0013106-07	Subject, Week of 11/9
Rite Aid	9 Rite_Aid_OMDL_0020412
Guidelines Policy	10
VI Excessive Order	12
Monitoring Rite Aid OMDL 0020703 Rite_Aid_OMDL_0020727	13
	15
Rite Aid Mitchell-13 E-mail Thread 288	16
Rite Aid Mitchell-13 E-mail Thread 288	
Rite Aid Mitchell-13 E-mail Thread 288 7/31/09 Subject, Register Now for the 7th Annual Controlled Substances Conference Rite Aid OMDL 0020388-90	16 17
Rite Aid Mitchell-13 E-mail Thread 288 7/31/09 17 Subject, Register Now for the 7th Annual Controlled Substances Conference 19 Rite Aid OMDL 0020388-90 Rite Aid Mitchell-14 E-mail Thread 294	16 17 18 19 20
Rite Aid Mitchell-13 E-mail Thread 288 7/31/09 Subject, Register Now for the 7th Annual Controlled Substances Conference Rite_Aid_OMDL_0020388-90 Rite Aid Mitchell-14 E-mail Thread 294 4/11/11 Subject, Suspicious	16 17 18 19 20 21
Rite Aid Mitchell-13 E-mail Thread 288 7/31/09 Subject, Register Now for the 7th Annual Controlled Substances Conference Rite Aid OMDL_0020388-90 Mitchell-14 E-mail Thread 294 4/11/11 Subject, Suspicious Order Monitoring Rite Aid OMDL 0050628-30	16 17 18 19 20
Rite Aid Mitchell-13 E-mail Thread 288 7/31/09 Subject, Register Now for the 7th Annual Controlled Substances Conference Rite_Aid_OMDL_0020388-90 Rite Aid Mitchell-14 E-mail Thread 294 4/11/11 Subject, Suspicious	16 17 18 19 20 21 22

Page 10	Page 1
1	¹ examined and testified as follows:
DEPOSITION SUPPORT INDEX	2
3	3 EXAMINATION
	4
5 Direction to Witness Not to Answer	⁵ BY MR. SIMMER:
6 PAGE LINE None.	⁶ Q. Good morning, Mr. Mitchell.
None.	⁷ My name is Scott Simmer. I'm here I'm
⁸ Request for Production of Documents	8 here to ask you some questions on behalf
9 PAGE LINE	9 of the plaintiffs in this matter. Let me
None.	of the planting in this matter. Let lie
	we get started. First of all, I'm going
Stipulations	to be asking you a series of questions
PAGE LINE None.	that you will answer. The court reporter
1 1011C.	is taking down a verbatim transcript of
⁴ Questions Marked	
¹⁵ PAGE LINE	everything that we both say. So it's
None.	important that we don't talk over each other.
.6	
L7 L8	Do you understand:
.9	11. 103, 311.
20	Q. And that you have to answer
21	²¹ verbally. You can't answer just by
22	22 nodding your head. She cannot take that
23	down on her transcript.
24	Do you understand?
Page 11	Page 1
THE VIDEOGRAPHER: We are	¹ A. Yes, sir.
	- A. 105, SII.
now on the record. My name is Ray	² Q. You need to answer fully and
now on the record. My name is Ray Moore. I'm a videographer for	
	² Q. You need to answer fully and
Moore. I'm a videographer for	² Q. You need to answer fully and ³ accurately and verbally as I say.
 Moore. I'm a videographer for Golkow Litigation Services. 	Q. You need to answer fully and accurately and verbally as I say. Do you understand?
 Moore. I'm a videographer for Golkow Litigation Services. Today's date is January 16, 	Q. You need to answer fully and accurately and verbally as I say. Do you understand? A. Yes, sir.
 Moore. I'm a videographer for Golkow Litigation Services. Today's date is January 16, 2019, and the time is 9:34 a.m. 	Q. You need to answer fully and accurately and verbally as I say. Do you understand? A. Yes, sir. Q. If you don't understand a
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Moore. I'm a videographer for Golkow Litigation Services. Today's date is January 16, 2019, and the time is 9:34 a.m. This video deposition is being held in Lancaster, Pennsylvania, in the matter In Re National Prescription Opiate Litigation for the United States District Court for the Northern District of Ohio, Eastern Division, MDL No. 2804.	Q. You need to answer fully and accurately and verbally as I say. Do you understand? A. Yes, sir. Q. If you don't understand a question that I've asked, ask me to rephrase. I will be glad to do that. Do you understand that? A. Yes, I do. Q. And when I say you must answer truthfully, you understand that there are penalties for failing to answer
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п	ignly confidential - Subject t	O	rufther confidenciality Review
	Page 14		Page 16
1	BY MR. SIMMER:	1	evening.
2	Q. You can request a break at	2	Q. Are you being compensated
3	any time. I just ask if there's a	3	for your time to testify today?
4	question pending, you answer the question	4	A. No, sir.
5	before you take a break. Is that fair?	5	Q. Did you retain Morgan Lewis
6	A. Yes, sir.	6	to be your counsel in this deposition?
7	Q. From time to time, counsel	7	
8	sitting next to you will be lodging	8	
9	objections. Unless they tell you not to	9	agreement retaining them to represent you
10	answer, you must still answer the	10	
11	question.	11	•
12	Do you understand?	12	
13	A. Yes, I do.	13	
14		14	•
15	Q. Is there any reason why you	15	or any nine where you agreed to have them
	cannot testify truthfully and accurately		represent you today.
	today?	16	71. I have not signed, no.
17	A. No, sir.	17	Q. Are you paying them to be
18	Q. Are you taking any	18	your countries.
	medication that would interfere with your	19	71. 110, 511.
20	ability to answer these questions	20	Q. 15 it your understanding
21	truthfully?	21	that they are representing you or are
22	A. No, sir.	22	they representing Rite Aid?
23	Q. What's your understanding of	23	A. They're rep
24	why you are here today?	24	MS. McENROE: Objection to
	Page 15	+	Page 17
1	A. My understanding is the role	1	_
2	that I had while I was at Rite Aid is why	2	
	I'm here.	3	
4	Q. Have you reviewed any of the	4	
5	· · · · · · · · · · · · · · · · · · ·		BY MR. SIMMER:
6	pleadings in this case?	6	
7	A. No, sir.	7	Q. Have you been involved in
	Q. Did you meet with attorneys	8	litigation before of any kind?
8	representing the company in preparation		11. I have not.
9	for your deposition?	9	Q. What about as a party in,
10	A. Yes.	10	say, a bankruptcy.
11	Q. Who did you meet with?	11	71. 110, 511.
12	A. With Elisa, Matt, and Kelly.	12	Q. Any criminal proceedings:
13	Q. And when did you meet with	13	A. No, sir.
14	them?		
15	A. Yesterday.		
16	Q. Any other occasions beyond		
17	yesterday?		
18	A. Maybe a month and a half,		
19	two months ago.		
20	Q. And how long did you meet		
21	with them each time?		
22	A. Back, October, November		
23	approximately five hours. And yesterday		
	approximately five hours. And yesterday from 9:30 until about 5:30 yesterday		





24

after you left the Marine Corps?

Q. What's your first employment

position after leaving Frito Lay?

A. I went to work at Rite Aid

Page 26 Page 28 ¹ in September of 2000 as pharmacy support A. I don't recall. ² manager. Q. So he trained you how to perform a distribution center audit; is Q. Was there a period of time ⁴ where you were out of work between the that correct? Frito Lay job and Rite Aid? A. A DEA audit, in particular. A. Yes, sir. Q. Okay. And what is it --Q. How many months? what were you trained to do in a DEA A. From June to September. So audit? three months. MS. McENROE: Objection to 10 10 Q. And what were your form. Calls for a narrative. You 11 responsibilities as pharmacy support may answer. manager? 12 THE WITNESS: Ron had a 13 13 A. To provide liaison between checklist basically that was --14 the pharmacy distribution centers and 14 that he had put together based on 15 regulatory agencies, such as DEA, FDA, 15 the Code of Federal Regulations, ¹⁶ cigarette, tobacco, auditors from 16 what's required by DEA. And that ¹⁷ different states, and process 17 was the document that we used to 18 improvement. 18 audit the pharmacy control drug Q. Did you actually manage some 19 19 cage and the pharmacy department. employees in that position? BY MR. SIMMER: 20 Q. So when I asked you about 21 A. I did not. 22 Q. How did you receive training ²² written materials, wouldn't that to -- for your new job? ²³ checklist be one of the written materials MS. McENROE: Objection to ²⁴ that would have been used in your Page 27 Page 29 1 form. ¹ training? MR. SIMMER: Strike that. A. That would be correct. Q. So when I asked you did you ³ BY MR. SIMMER: ⁴ receive any written materials, the answer Q. Did you receive any training for your new job? would have been yes, correct? A. Yes, I did. MS. McENROE: Objection to Q. What kind of training did form. you receive? THE WITNESS: Correct. The former deputy director BY MR. SIMMER: ¹⁰ of DEA, Ron Buzzeo, who owned his own 10 Q. Do you want to then change ¹¹ company, Buzzeo PDMA, actually came to your earlier answer? ¹² the Perryman, Maryland distribution 12 Yes, sir. A. 13 center and performed audits, training me 13 Q. Who is your supervisor at ¹⁴ to do the same. this time? 15 15 Q. So were you working out of Neil Meischeid. ¹⁶ the Perryman facility at that time? 16 Q. Can you spell his last name, 17 A. No, sir. please? 18 Where were you working out 18 A. M-E-I-S-C-H-E-I-D. 19 19 of? Q. First name? 20 20 A. Rite Aid headquarters. A. Neil, N-E-I-L. Q. And where were they? 21 21 Q. And who are you working for A. Camp Hill, Pennsylvania. 22 22 at this time? Q. Did you receive any written A. Rite Aid Headquarters materials as part of this training? ²⁴ Corporation.

	Page 30		Page 32
1	Q. What name is actually on	1	remember.
2	your paycheck that you receive?	2	Q. How do you spell Ms. Good's
3	A. Rite Aid Headquarters	3	last name?
4	Corporation.	4	A. G-O-O-D.
5	Q. You didn't work for Rite Aid	5	Q. And Mr. Caverley's last
6	of Maryland; is that correct?	6	name?
7	A. Correct, sir.	7	A. C-A-V-E-R-L-E-Y.
8	Q. And Mr. Meischeid also	8	Q. And when you say you had
9	worked for Rite Aid Corporation	9	contact with them, what did you actually
10	Headquarters, right?	10	do?
11	A. Correct, sir.	11	A. I don't recall.
12	Q. How long were you a pharmacy	12	Q. Was that face-to-face
13	support manager?	13	contact?
14	A. I believe it was two and a	14	A. Phone contact.
15	half years.	15	Q. How often did you have this
16	Q. That would be from 2000 to	16	phone contact with these individuals?
17	2002 or '3?	17	A. Rarely.
18	A. 2003, yes, sir.	18	Q. You said that you also had
19	Q. And what was your next	19	contact with Rite Aid pharmacy
20	position?	20	distribution centers; is that correct?
21	A. Senior manager of regulatory	21	A. Yes, sir.
22	compliance.	22	Q. What kind of contact was
23	Q. Were you performing	23	this?
24	different duties than you had as a	24	A. I perform mock audits at
	Page 31		Page 33
1	_		8
1 1	nharmacist sunnort manager?	1	their locations
2	pharmacist support manager? A. No. sir.	2	their locations. O. And how often did you
	A. No, sir.	2	Q. And how often did you
3	A. No, sir.Q. So the only change is the	2	Q. And how often did you perform these mock audits?
3	A. No, sir.Q. So the only change is the title?	2 3 4	Q. And how often did youperform these mock audits?A. I would say an average of
3 4	A. No, sir. Q. So the only change is the title? A. Yes, sir.	2 3 4	Q. And how often did you perform these mock audits? A. I would say an average of one to two times annually.
2 3 4 5	 A. No, sir. Q. So the only change is the title? A. Yes, sir. Q. When did you receive is 	2 3 4 5	Q. And how often did you perform these mock audits? A. I would say an average of one to two times annually. Q. And what did you do when you
2 3 4 5 6	A. No, sir. Q. So the only change is the title? A. Yes, sir. Q. When did you receive is this a promotion by the way?	2 3 4 5	Q. And how often did you perform these mock audits? A. I would say an average of one to two times annually. Q. And what did you do when you performed one of these mock audits?
2 3 4 5 6 7	 A. No, sir. Q. So the only change is the title? A. Yes, sir. Q. When did you receive is this a promotion by the way? A. Yes, sir. 	2 3 4 5 6 7	Q. And how often did you perform these mock audits? A. I would say an average of one to two times annually. Q. And what did you do when you performed one of these mock audits? A. I basically would go in
2 3 4 5 6 7 8	A. No, sir. Q. So the only change is the title? A. Yes, sir. Q. When did you receive is this a promotion by the way? A. Yes, sir. Q. When did you receive this	2 3 4 5 6 7 8	Q. And how often did you perform these mock audits? A. I would say an average of one to two times annually. Q. And what did you do when you performed one of these mock audits? A. I basically would go in unannounced and ensure compliance with
2 3 4 5 6 7 8	A. No, sir. Q. So the only change is the title? A. Yes, sir. Q. When did you receive is this a promotion by the way? A. Yes, sir. Q. When did you receive this promotion?	2 3 4 5 6 7 8	Q. And how often did you perform these mock audits? A. I would say an average of one to two times annually. Q. And what did you do when you performed one of these mock audits? A. I basically would go in unannounced and ensure compliance with the Code of Federal Regulations.
2 3 4 5 6 7 8 9	A. No, sir. Q. So the only change is the title? A. Yes, sir. Q. When did you receive is this a promotion by the way? A. Yes, sir. Q. When did you receive this promotion? A. 2003.	2 3 4 5 6 7 8 9	Q. And how often did you perform these mock audits? A. I would say an average of one to two times annually. Q. And what did you do when you performed one of these mock audits? A. I basically would go in unannounced and ensure compliance with the Code of Federal Regulations. Q. And how did you do that?
2 3 4 5 6 7 8 9 10 11	A. No, sir. Q. So the only change is the title? A. Yes, sir. Q. When did you receive is this a promotion by the way? A. Yes, sir. Q. When did you receive this promotion? A. 2003. Q. Okay. And what were your	2 3 4 5 6 7 8 9 10 11	Q. And how often did you perform these mock audits? A. I would say an average of one to two times annually. Q. And what did you do when you performed one of these mock audits? A. I basically would go in unannounced and ensure compliance with the Code of Federal Regulations. Q. And how did you do that? A. With the checklist that was
2 3 4 5 6 7 8 9 10 11 12 13	A. No, sir. Q. So the only change is the title? A. Yes, sir. Q. When did you receive is this a promotion by the way? A. Yes, sir. Q. When did you receive this promotion? A. 2003. Q. Okay. And what were your responsibilities as senior manager of	2 3 4 5 6 7 8 9 10 11 12	Q. And how often did you perform these mock audits? A. I would say an average of one to two times annually. Q. And what did you do when you performed one of these mock audits? A. I basically would go in unannounced and ensure compliance with the Code of Federal Regulations. Q. And how did you do that? A. With the checklist that was provided from Mr. Buzzeo.
2 3 4 5 6 7 8 9 10 11 12 13	A. No, sir. Q. So the only change is the title? A. Yes, sir. Q. When did you receive is this a promotion by the way? A. Yes, sir. Q. When did you receive this promotion? A. 2003. Q. Okay. And what were your responsibilities as senior manager of regulatory compliance?	2 3 4 5 6 7 8 9 10 11 12 13	Q. And how often did you perform these mock audits? A. I would say an average of one to two times annually. Q. And what did you do when you performed one of these mock audits? A. I basically would go in unannounced and ensure compliance with the Code of Federal Regulations. Q. And how did you do that? A. With the checklist that was provided from Mr. Buzzeo. Q. Do you know how Mr. Buzzeo
2 3 4 5 6 7 8 9 10 11 12 13 14	A. No, sir. Q. So the only change is the title? A. Yes, sir. Q. When did you receive is this a promotion by the way? A. Yes, sir. Q. When did you receive this promotion? A. 2003. Q. Okay. And what were your responsibilities as senior manager of regulatory compliance? A. The same as pharmacy support	2 3 4 5 6 7 8 9 10 11 12 13	Q. And how often did you perform these mock audits? A. I would say an average of one to two times annually. Q. And what did you do when you performed one of these mock audits? A. I basically would go in unannounced and ensure compliance with the Code of Federal Regulations. Q. And how did you do that? A. With the checklist that was provided from Mr. Buzzeo. Q. Do you know how Mr. Buzzeo developed that checklist?
2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. No, sir. Q. So the only change is the title? A. Yes, sir. Q. When did you receive is this a promotion by the way? A. Yes, sir. Q. When did you receive this promotion? A. 2003. Q. Okay. And what were your responsibilities as senior manager of regulatory compliance? A. The same as pharmacy support manager. Liaison with the DEA and Rite	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. And how often did you perform these mock audits? A. I would say an average of one to two times annually. Q. And what did you do when you performed one of these mock audits? A. I basically would go in unannounced and ensure compliance with the Code of Federal Regulations. Q. And how did you do that? A. With the checklist that was provided from Mr. Buzzeo. Q. Do you know how Mr. Buzzeo developed that checklist? A. I do not know.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. No, sir. Q. So the only change is the title? A. Yes, sir. Q. When did you receive is this a promotion by the way? A. Yes, sir. Q. When did you receive this promotion? A. 2003. Q. Okay. And what were your responsibilities as senior manager of regulatory compliance? A. The same as pharmacy support manager. Liaison with the DEA and Rite Aid pharmacy distribution centers.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. And how often did you perform these mock audits? A. I would say an average of one to two times annually. Q. And what did you do when you performed one of these mock audits? A. I basically would go in unannounced and ensure compliance with the Code of Federal Regulations. Q. And how did you do that? A. With the checklist that was provided from Mr. Buzzeo. Q. Do you know how Mr. Buzzeo developed that checklist? A. I do not know. Q. And that checklist that you
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. No, sir. Q. So the only change is the title? A. Yes, sir. Q. When did you receive is this a promotion by the way? A. Yes, sir. Q. When did you receive this promotion? A. 2003. Q. Okay. And what were your responsibilities as senior manager of regulatory compliance? A. The same as pharmacy support manager. Liaison with the DEA and Rite Aid pharmacy distribution centers. Q. So that means that you had	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. And how often did you perform these mock audits? A. I would say an average of one to two times annually. Q. And what did you do when you performed one of these mock audits? A. I basically would go in unannounced and ensure compliance with the Code of Federal Regulations. Q. And how did you do that? A. With the checklist that was provided from Mr. Buzzeo. Q. Do you know how Mr. Buzzeo developed that checklist? A. I do not know. Q. And that checklist that you used, is that something that the company
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. No, sir. Q. So the only change is the title? A. Yes, sir. Q. When did you receive is this a promotion by the way? A. Yes, sir. Q. When did you receive this promotion? A. 2003. Q. Okay. And what were your responsibilities as senior manager of regulatory compliance? A. The same as pharmacy support manager. Liaison with the DEA and Rite Aid pharmacy distribution centers. Q. So that means that you had direct contact with the DEA?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. And how often did you perform these mock audits? A. I would say an average of one to two times annually. Q. And what did you do when you performed one of these mock audits? A. I basically would go in unannounced and ensure compliance with the Code of Federal Regulations. Q. And how did you do that? A. With the checklist that was provided from Mr. Buzzeo. Q. Do you know how Mr. Buzzeo developed that checklist? A. I do not know. Q. And that checklist that you used, is that something that the company had in its possession?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. No, sir. Q. So the only change is the title? A. Yes, sir. Q. When did you receive is this a promotion by the way? A. Yes, sir. Q. When did you receive this promotion? A. 2003. Q. Okay. And what were your responsibilities as senior manager of regulatory compliance? A. The same as pharmacy support manager. Liaison with the DEA and Rite Aid pharmacy distribution centers. Q. So that means that you had direct contact with the DEA? A. At times, yes, sir.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. And how often did you perform these mock audits? A. I would say an average of one to two times annually. Q. And what did you do when you performed one of these mock audits? A. I basically would go in unannounced and ensure compliance with the Code of Federal Regulations. Q. And how did you do that? A. With the checklist that was provided from Mr. Buzzeo. Q. Do you know how Mr. Buzzeo developed that checklist? A. I do not know. Q. And that checklist that you used, is that something that the company had in its possession? A. Yes, sir.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. No, sir. Q. So the only change is the title? A. Yes, sir. Q. When did you receive is this a promotion by the way? A. Yes, sir. Q. When did you receive this promotion? A. 2003. Q. Okay. And what were your responsibilities as senior manager of regulatory compliance? A. The same as pharmacy support manager. Liaison with the DEA and Rite Aid pharmacy distribution centers. Q. So that means that you had direct contact with the DEA? A. At times, yes, sir. Q. And who at the DEA did you	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. And how often did you perform these mock audits? A. I would say an average of one to two times annually. Q. And what did you do when you performed one of these mock audits? A. I basically would go in unannounced and ensure compliance with the Code of Federal Regulations. Q. And how did you do that? A. With the checklist that was provided from Mr. Buzzeo. Q. Do you know how Mr. Buzzeo developed that checklist? A. I do not know. Q. And that checklist that you used, is that something that the company had in its possession? A. Yes, sir. Q. Is that something that
2 3 4 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. No, sir. Q. So the only change is the title? A. Yes, sir. Q. When did you receive is this a promotion by the way? A. Yes, sir. Q. When did you receive this promotion? A. 2003. Q. Okay. And what were your responsibilities as senior manager of regulatory compliance? A. The same as pharmacy support manager. Liaison with the DEA and Rite Aid pharmacy distribution centers. Q. So that means that you had direct contact with the DEA? A. At times, yes, sir. Q. And who at the DEA did you have contact with?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. And how often did you perform these mock audits? A. I would say an average of one to two times annually. Q. And what did you do when you performed one of these mock audits? A. I basically would go in unannounced and ensure compliance with the Code of Federal Regulations. Q. And how did you do that? A. With the checklist that was provided from Mr. Buzzeo. Q. Do you know how Mr. Buzzeo developed that checklist? A. I do not know. Q. And that checklist that you used, is that something that the company had in its possession? A. Yes, sir. Q. Is that something that others in the company also used as well,
2 3 4 4 5 6 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. No, sir. Q. So the only change is the title? A. Yes, sir. Q. When did you receive is this a promotion by the way? A. Yes, sir. Q. When did you receive this promotion? A. 2003. Q. Okay. And what were your responsibilities as senior manager of regulatory compliance? A. The same as pharmacy support manager. Liaison with the DEA and Rite Aid pharmacy distribution centers. Q. So that means that you had direct contact with the DEA? A. At times, yes, sir. Q. And who at the DEA did you	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. And how often did you perform these mock audits? A. I would say an average of one to two times annually. Q. And what did you do when you performed one of these mock audits? A. I basically would go in unannounced and ensure compliance with the Code of Federal Regulations. Q. And how did you do that? A. With the checklist that was provided from Mr. Buzzeo. Q. Do you know how Mr. Buzzeo developed that checklist? A. I do not know. Q. And that checklist that you used, is that something that the company had in its possession? A. Yes, sir. Q. Is that something that others in the company also used as well,

	Page 34		Page 36
1	Q. How long was Mr. Buzzeo's	1	11. 105, 511.
2	checklist used by the company?	2	Q. And the give written
3	A. Prior to my arrival, I would	3	materials to sume that.
4	say up to a year after I started, and	4	Did the at the
5	then I'd changed the checklist. I	5	centerent, and Jew recent continues.
6	updated it as new jurisdiction new	6	materials?
7	registration was passed to ensure we were	7	A. At times, yes. And at times
8	current with current regulations.	8	mey weard some via a main.
9	Q. So the answer to my question	9	Q. And were those materials
10	is that Mr. Buzzeo's checklist was used	10	then distributed to others in the
11	for a period of time and then you changed	11	organization?
12	it; is that right?	12	A. At times, yes.
13	A. That's correct, sir.	13	Q. When was the first
14	Q. When do you recall first	14	conference that you attended?
15	changing Mr. Buzzeo's checklist?	15	A. I don't recall.
16	A. Early 2000s.	16	Q. What was the next position
17	Q. You said as new legislation	17	that you held at Rite Aid?
18	was passed you changed the checklist to	18	A. Director of regulatory
19	ensure that you were up-to-date with	19	compliance.
20	current regulations, correct?	20	Q. And when did you receive
21	A. Yes, sir.	21	that title?
22	Q. Where did you get the	22	A. Two and a half years
23	information that you were using to base	23	afterwards, so 2005, 2006.
24	your decision to make these changes?	24	Q. What were your
	Page 35		Page 37
1	Page 35 A From the Code of Federal	1	Page 37
	A. From the Code of Federal	1 2	responsibilities?
1 2 3	A. From the Code of Federal Regulations.		responsibilities? A. The same.
2	A. From the Code of Federal Regulations. Q. Did you receive any legal	2	responsibilities? A. The same. Q. Just a different title?
2	A. From the Code of Federal Regulations. Q. Did you receive any legal training in order to read these	3	responsibilities? A. The same. Q. Just a different title? A. Yes, sir.
2 3 4	A. From the Code of Federal Regulations. Q. Did you receive any legal training in order to read these regulations to make these changes?	2 3 4	responsibilities? A. The same. Q. Just a different title? A. Yes, sir. Q. This is a promotion?
2 3 4 5	A. From the Code of Federal Regulations. Q. Did you receive any legal training in order to read these regulations to make these changes? A. No, sir.	2 3 4 5	responsibilities? A. The same. Q. Just a different title? A. Yes, sir. Q. This is a promotion? A. Yes, sir.
2 3 4 5	A. From the Code of Federal Regulations. Q. Did you receive any legal training in order to read these regulations to make these changes? A. No, sir. Q. Did you consult with any	2 3 4 5 6	responsibilities? A. The same. Q. Just a different title? A. Yes, sir. Q. This is a promotion? A. Yes, sir. Q. And who did you report to in
2 3 4 5 6 7	A. From the Code of Federal Regulations. Q. Did you receive any legal training in order to read these regulations to make these changes? A. No, sir. Q. Did you consult with any other sources other than the regulations	2 3 4 5 6 7	responsibilities? A. The same. Q. Just a different title? A. Yes, sir. Q. This is a promotion? A. Yes, sir. Q. And who did you report to in this position?
2 3 4 5 6 7	A. From the Code of Federal Regulations. Q. Did you receive any legal training in order to read these regulations to make these changes? A. No, sir. Q. Did you consult with any other sources other than the regulations themselves in order to make these	2 3 4 5 6 7 8	responsibilities? A. The same. Q. Just a different title? A. Yes, sir. Q. This is a promotion? A. Yes, sir. Q. And who did you report to in this position? A. Started with Robbie Roberson
2 3 4 5 6 7 8	A. From the Code of Federal Regulations. Q. Did you receive any legal training in order to read these regulations to make these changes? A. No, sir. Q. Did you consult with any other sources other than the regulations themselves in order to make these changes?	2 3 4 5 6 7 8 9	responsibilities? A. The same. Q. Just a different title? A. Yes, sir. Q. This is a promotion? A. Yes, sir. Q. And who did you report to in this position? A. Started with Robbie Roberson who is the vice president of logistics.
2 3 4 5 6 7 8 9	A. From the Code of Federal Regulations. Q. Did you receive any legal training in order to read these regulations to make these changes? A. No, sir. Q. Did you consult with any other sources other than the regulations themselves in order to make these changes? A. At times, Ron Buzzeo used to	2 3 4 5 6 7 8 9	responsibilities? A. The same. Q. Just a different title? A. Yes, sir. Q. This is a promotion? A. Yes, sir. Q. And who did you report to in this position? A. Started with Robbie Roberson who is the vice president of logistics. And then in 2007 I reported to Rick
2 3 4 5 6 7 8 9 10 11	A. From the Code of Federal Regulations. Q. Did you receive any legal training in order to read these regulations to make these changes? A. No, sir. Q. Did you consult with any other sources other than the regulations themselves in order to make these changes? A. At times, Ron Buzzeo used to also offer conferences where he would	2 3 4 5 6 7 8 9 10 11	responsibilities? A. The same. Q. Just a different title? A. Yes, sir. Q. This is a promotion? A. Yes, sir. Q. And who did you report to in this position? A. Started with Robbie Roberson who is the vice president of logistics. And then in 2007 I reported to Rick Chapman who is also the vice president of
2 3 4 5 6 7 8 9 10	A. From the Code of Federal Regulations. Q. Did you receive any legal training in order to read these regulations to make these changes? A. No, sir. Q. Did you consult with any other sources other than the regulations themselves in order to make these changes? A. At times, Ron Buzzeo used to also offer conferences where he would provide counsel, document or counsel	2 3 4 5 6 7 8 9 10 11	responsibilities? A. The same. Q. Just a different title? A. Yes, sir. Q. This is a promotion? A. Yes, sir. Q. And who did you report to in this position? A. Started with Robbie Roberson who is the vice president of logistics. And then in 2007 I reported to Rick Chapman who is also the vice president of logistics.
2 3 4 5 6 7 8 9 10 11 12 13	A. From the Code of Federal Regulations. Q. Did you receive any legal training in order to read these regulations to make these changes? A. No, sir. Q. Did you consult with any other sources other than the regulations themselves in order to make these changes? A. At times, Ron Buzzeo used to also offer conferences where he would provide counsel, document or counsel or suggestions as to how we remained	2 3 4 5 6 7 8 9 10 11 12 13	responsibilities? A. The same. Q. Just a different title? A. Yes, sir. Q. This is a promotion? A. Yes, sir. Q. And who did you report to in this position? A. Started with Robbie Roberson who is the vice president of logistics. And then in 2007 I reported to Rick Chapman who is also the vice president of logistics. Q. So Mr. Roberson, can you
2 3 4 4 5 6 6 7 8 9 10 11 12 13 14	A. From the Code of Federal Regulations. Q. Did you receive any legal training in order to read these regulations to make these changes? A. No, sir. Q. Did you consult with any other sources other than the regulations themselves in order to make these changes? A. At times, Ron Buzzeo used to also offer conferences where he would provide counsel, document or counsel or suggestions as to how we remained compliant. So I may have taken a	2 3 4 5 6 7 8 9 10 11 12 13 14	responsibilities? A. The same. Q. Just a different title? A. Yes, sir. Q. This is a promotion? A. Yes, sir. Q. And who did you report to in this position? A. Started with Robbie Roberson who is the vice president of logistics. And then in 2007 I reported to Rick Chapman who is also the vice president of logistics. Q. So Mr. Roberson, can you spell his last name, please?
2 3 4 4 5 6 7 7 8 9 10 11 12 13 14 15	A. From the Code of Federal Regulations. Q. Did you receive any legal training in order to read these regulations to make these changes? A. No, sir. Q. Did you consult with any other sources other than the regulations themselves in order to make these changes? A. At times, Ron Buzzeo used to also offer conferences where he would provide counsel, document or counsel or suggestions as to how we remained compliant. So I may have taken a suggestion from one of the conferences	2 3 4 5 6 7 8 9 10 11 12 13 14	responsibilities? A. The same. Q. Just a different title? A. Yes, sir. Q. This is a promotion? A. Yes, sir. Q. And who did you report to in this position? A. Started with Robbie Roberson who is the vice president of logistics. And then in 2007 I reported to Rick Chapman who is also the vice president of logistics. Q. So Mr. Roberson, can you spell his last name, please? A. R-O-B-E-R-S-O-N.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. From the Code of Federal Regulations. Q. Did you receive any legal training in order to read these regulations to make these changes? A. No, sir. Q. Did you consult with any other sources other than the regulations themselves in order to make these changes? A. At times, Ron Buzzeo used to also offer conferences where he would provide counsel, document or counsel or suggestions as to how we remained compliant. So I may have taken a suggestion from one of the conferences and implemented it into our checklist.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	responsibilities? A. The same. Q. Just a different title? A. Yes, sir. Q. This is a promotion? A. Yes, sir. Q. And who did you report to in this position? A. Started with Robbie Roberson who is the vice president of logistics. And then in 2007 I reported to Rick Chapman who is also the vice president of logistics. Q. So Mr. Roberson, can you spell his last name, please? A. R-O-B-E-R-S-O-N. Q. So in this position as
2 3 4 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. From the Code of Federal Regulations. Q. Did you receive any legal training in order to read these regulations to make these changes? A. No, sir. Q. Did you consult with any other sources other than the regulations themselves in order to make these changes? A. At times, Ron Buzzeo used to also offer conferences where he would provide counsel, document or counsel or suggestions as to how we remained compliant. So I may have taken a suggestion from one of the conferences and implemented it into our checklist. Q. How often did you attend	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	responsibilities? A. The same. Q. Just a different title? A. Yes, sir. Q. This is a promotion? A. Yes, sir. Q. And who did you report to in this position? A. Started with Robbie Roberson who is the vice president of logistics. And then in 2007 I reported to Rick Chapman who is also the vice president of logistics. Q. So Mr. Roberson, can you spell his last name, please? A. R-O-B-E-R-S-O-N. Q. So in this position as director of regulatory compliance, as you
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. From the Code of Federal Regulations. Q. Did you receive any legal training in order to read these regulations to make these changes? A. No, sir. Q. Did you consult with any other sources other than the regulations themselves in order to make these changes? A. At times, Ron Buzzeo used to also offer conferences where he would provide counsel, document or counsel or suggestions as to how we remained compliant. So I may have taken a suggestion from one of the conferences and implemented it into our checklist. Q. How often did you attend these conferences?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	responsibilities? A. The same. Q. Just a different title? A. Yes, sir. Q. This is a promotion? A. Yes, sir. Q. And who did you report to in this position? A. Started with Robbie Roberson who is the vice president of logistics. And then in 2007 I reported to Rick Chapman who is also the vice president of logistics. Q. So Mr. Roberson, can you spell his last name, please? A. R-O-B-E-R-S-O-N. Q. So in this position as director of regulatory compliance, as you saw changes in the federal regulations,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. From the Code of Federal Regulations. Q. Did you receive any legal training in order to read these regulations to make these changes? A. No, sir. Q. Did you consult with any other sources other than the regulations themselves in order to make these changes? A. At times, Ron Buzzeo used to also offer conferences where he would provide counsel, document or counsel or suggestions as to how we remained compliant. So I may have taken a suggestion from one of the conferences and implemented it into our checklist. Q. How often did you attend these conferences? A. During my tenure I probably	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	responsibilities? A. The same. Q. Just a different title? A. Yes, sir. Q. This is a promotion? A. Yes, sir. Q. And who did you report to in this position? A. Started with Robbie Roberson who is the vice president of logistics. And then in 2007 I reported to Rick Chapman who is also the vice president of logistics. Q. So Mr. Roberson, can you spell his last name, please? A. R-O-B-E-R-S-O-N. Q. So in this position as director of regulatory compliance, as you saw changes in the federal regulations, again you would make changes in the
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2 3 3 4 4 5 6 7 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. From the Code of Federal Regulations. Q. Did you receive any legal training in order to read these regulations to make these changes? A. No, sir. Q. Did you consult with any other sources other than the regulations themselves in order to make these changes? A. At times, Ron Buzzeo used to also offer conferences where he would provide counsel, document or counsel or suggestions as to how we remained compliant. So I may have taken a suggestion from one of the conferences and implemented it into our checklist. Q. How often did you attend these conferences? A. During my tenure I probably attended five or six conferences. So	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	responsibilities? A. The same. Q. Just a different title? A. Yes, sir. Q. This is a promotion? A. Yes, sir. Q. And who did you report to in this position? A. Started with Robbie Roberson who is the vice president of logistics. And then in 2007 I reported to Rick Chapman who is also the vice president of logistics. Q. So Mr. Roberson, can you spell his last name, please? A. R-O-B-E-R-S-O-N. Q. So in this position as director of regulatory compliance, as you saw changes in the federal regulations, again you would make changes in the checklist that you would use to perform

Dago 29	Page 40
Page 38	
Q. Did you ever provide copies	Q. What they were doing.
² of your checklists to the company's legal	MS. MCENKOE. Objection to
counser.	101111.
4 MS. McENROE: Objection to	THE WITHLOS. 10s.
form. And I caution the withess	5 BY MR. SIMMER:
to be careful about not stepping	Q. Which one of the compliance
onto privileged issues and any	 functions did you overlap with? A. Internal assurance.
substance that you may have	
discussed with counsel.	2. This so did you condoctate
THE WITNESS. 1 1	with internal assurance on the mock
honestly do not recall. BY MR. SIMMER:	audits and the checklists that you were
	describing? A On or about 2009 yes
Q. Do you know whether falle	71. On of about 2009, yes.
¹⁴ Aid's legal counsel ever reviewed your ¹⁵ checklist?	Q. This who are you interact
16 A. I do not. I do not know.	with in 2009? A There were various people
	71. There were various people.
Q. In your position as director of regulatory compliance, did you ever	Steven Sheinfeld, Ashley Kido, Bryan Strahan, Curt Saleme.
19 have any interaction with the company's	· · · · · · · · · · · · · · · · · · ·
20 legal counsel?	Q. Can you spell Mr. Sheinfeld's last name?
A. I have had interaction, yes.	21 A. S-H-E-I-N-F-I-E-L-D (sic).
Q. About what should go into	Q. And Ms I guess Ashley,
23 your mock audits?	23 what was her last name?
24 A. No, sir.	A. It was Kido when I left.
71. 110, 511.	71. It was ixido when I left.
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¹ Q. Did you have any interaction	¹ K-I-D-O.
Q. Did you have any interaction with the company's compliance people?	¹ K-I-D-O. ² Q. Mr. Strahan, how do you
Q. Did you have any interaction with the company's compliance people? A. Yes, sir.	 K-I-D-O. Q. Mr. Strahan, how do you spell his last name?
Q. Did you have any interaction with the company's compliance people? A. Yes, sir. Q. About the mock audits?	 K-I-D-O. Q. Mr. Strahan, how do you spell his last name? A. S-T-R-A-H-A-N.
Q. Did you have any interaction with the company's compliance people? A. Yes, sir. Q. About the mock audits? A. Define compliance people, if	 K-I-D-O. Q. Mr. Strahan, how do you spell his last name? A. S-T-R-A-H-A-N. Q. And Mr. Strapell, how do you
Q. Did you have any interaction with the company's compliance people? A. Yes, sir. Q. About the mock audits? A. Define compliance people, if you would, please, sir.	 K-I-D-O. Q. Mr. Strahan, how do you spell his last name? A. S-T-R-A-H-A-N. Q. And Mr. Strapell, how do you spell his last name?
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Q. Did you have any interaction with the company's compliance people? A. Yes, sir. Q. About the mock audits? A. Define compliance people, if you would, please, sir. Q. Well, did the company have a compliance function?	 1 K-I-D-O. 2 Q. Mr. Strahan, how do you 3 spell his last name? 4 A. S-T-R-A-H-A-N. 5 Q. And Mr. Strapell, how do you 6 spell his last name? 7 A. Mr. who? 8 Q. You said Curt. I didn't get
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Q. Did you have any interaction with the company's compliance people? A. Yes, sir. Q. About the mock audits? A. Define compliance people, if you would, please, sir. Q. Well, did the company have a compliance function? MS. McENROE: Objection to form. THE WITNESS: They had	 1 K-I-D-O. 2 Q. Mr. Strahan, how do you 3 spell his last name? 4 A. S-T-R-A-H-A-N. 5 Q. And Mr. Strapell, how do you 6 spell his last name? 7 A. Mr. who? 8 Q. You said Curt. I didn't get 9 his last name. 10 A. Saleme. 11 Q. Saleme. I'm sorry. How do
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Q. Did you have any interaction with the company's compliance people? A. Yes, sir. Q. About the mock audits? A. Define compliance people, if you would, please, sir. Q. Well, did the company have a compliance function? MS. McENROE: Objection to form. THE WITNESS: They had several. They have an internal assurance department, and we also	 1 K-I-D-O. 2 Q. Mr. Strahan, how do you 3 spell his last name? 4 A. S-T-R-A-H-A-N. 5 Q. And Mr. Strapell, how do you 6 spell his last name? 7 A. Mr. who? 8 Q. You said Curt. I didn't get 9 his last name. 10 A. Saleme. 11 Q. Saleme. I'm sorry. How do 12 you spell his last name? 13 A. S-A-L-E-M-E.
Q. Did you have any interaction with the company's compliance people? A. Yes, sir. Q. About the mock audits? A. Define compliance people, if you would, please, sir. Q. Well, did the company have a compliance function? MS. McENROE: Objection to form. THE WITNESS: They had several. They have an internal assurance department, and we also had a privacy officer that was	 1 K-I-D-O. 2 Q. Mr. Strahan, how do you 3 spell his last name? 4 A. S-T-R-A-H-A-N. 5 Q. And Mr. Strapell, how do you 6 spell his last name? 7 A. Mr. who? 8 Q. You said Curt. I didn't get 9 his last name. 10 A. Saleme. 11 Q. Saleme. I'm sorry. How do 12 you spell his last name? 13 A. S-A-L-E-M-E. 14 Q. And where were these what
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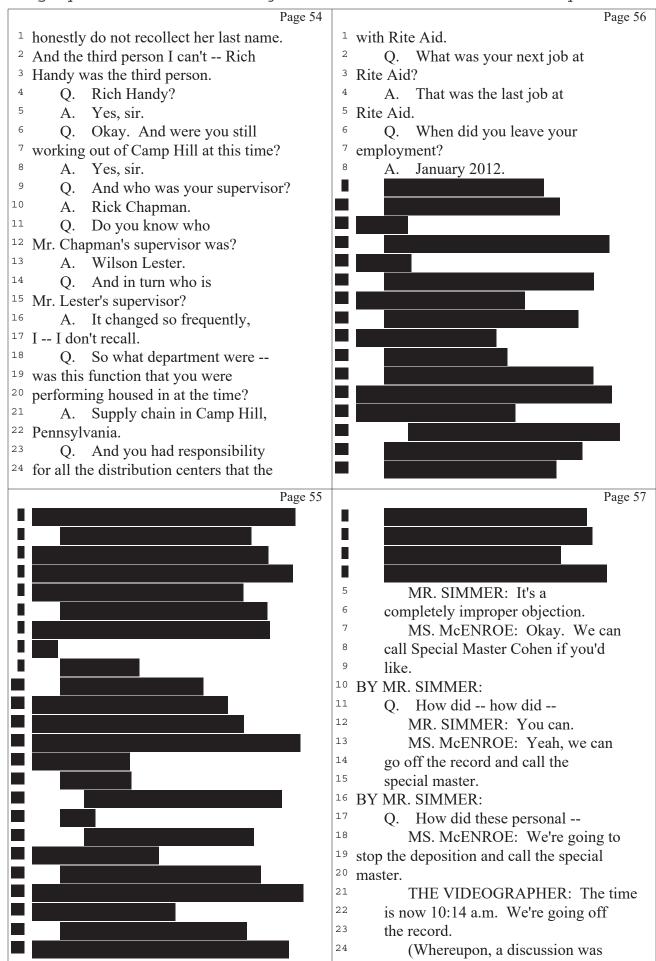
Page 42 Q. What happened in 2009 that ¹ distribution center and do -- conduct an ² audit and actually feel comfortable that you had interaction with these ³ they knew what they were looking for. individuals? ⁴ And basically every facet of the A. We collectively developed a ⁵ compliance -- a CSA team. I don't recall ⁵ operation. So again, as an example, the ⁶ what CSA stands for. But it was a ⁶ transportation managers from one location ⁷ collaboration between the supply chain may go to a different location to conduct ⁸ department and the internal assurance an audit on transportation. ⁹ department to perform audits at the 12 Q. So I take it that these DEA ¹⁰ distribution centers that Rite Aid had. coordinators would not audit the 11 distribution centers where they worked? O. CSA, is that Controlled 12 A. That's correct. Substances Act? 13 A. CSA would stand for that, 13 Q. So they would go to a different distribution center and conduct 14 yes, sir. the audit you're talking about? 15 Q. So what you were looking at is controlled substances; is that A. That's correct. 17 correct? O. The CSA team that you're --18 MS. McENROE: Objection to you've just mentioned, was there any 19 written product they created? form. 20 20 A. Yes, sir. THE WITNESS: Yes, sir. 21 What was this product 21 BY MR. SIMMER: Q. 22 Q. Do you know what prompted 22 called? the CSA team to be created? 23 A. There was a training that ²⁴ was conducted, and then there was A. It was an idea that I Page 43 Page 45 ¹ actually had that we could collaborate ¹ checklists that were created as well. ² with the internal assurance group. There Q. So the training that was ³ were audits conducted by them that we conducted, I take it there were ⁴ felt, as the supply chain team, that were written -- written materials for that? ⁵ a little inaccurate and felt that this A. Yes, sir. ⁶ was an opportunity to collaborate and Q. What were those materials ⁷ utilize experts in the field within the called or what -- what were they? ⁸ Rite Aid distribution network to conduct MS. McENROE: Objection to ⁹ audits at the distribution centers to form. ¹⁰ again ensure that we continued to stay 10 THE WITNESS: I don't recall ¹¹ prepared for any and all audits. 11 the proper name for them, but... Q. When you say you were 12 BY MR. SIMMER: ¹³ utilizing experts in the field. Are 13 Q. And you say there were these external experts? checklists created as well? 15 15 A. No. sir. A. Yes, sir. O. So these were internal 16 O. And what were -- what were 16 those checklists called? personnel? 18 Rite Aid personnel, yes, 18 A. I don't recall the proper 19 sir. 19 name. 20 Q. And what kind of expertise Q. Do you know where these -are you talking about that they had? either the training materials or the A. So DEA coordinators from ²² checklists, where they were housed at ²³ each of the buildings where appropriate. 23 Rite Aid?

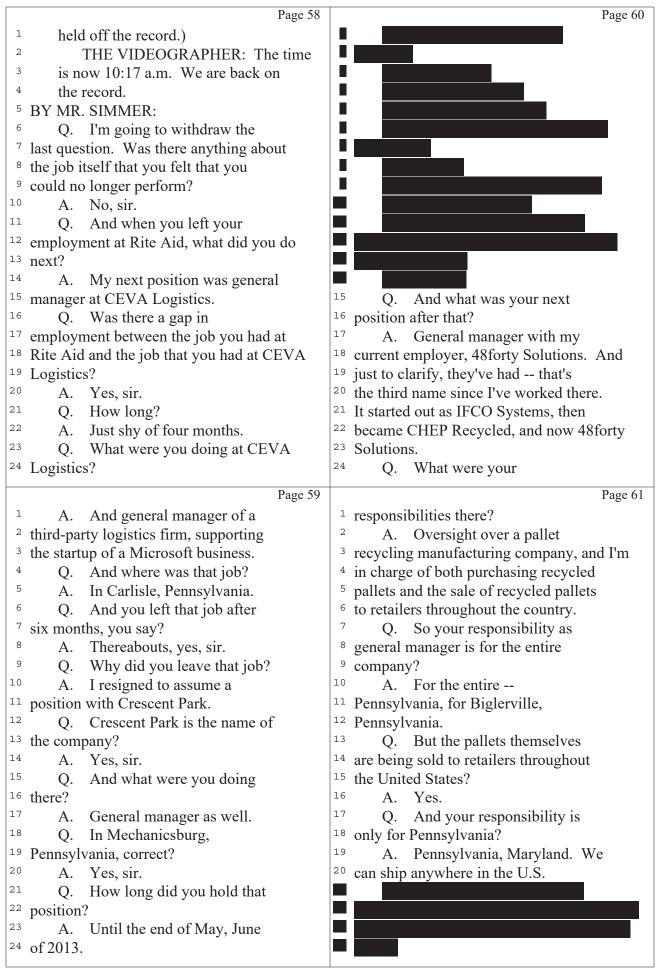
24 So they could come into another pharmacy

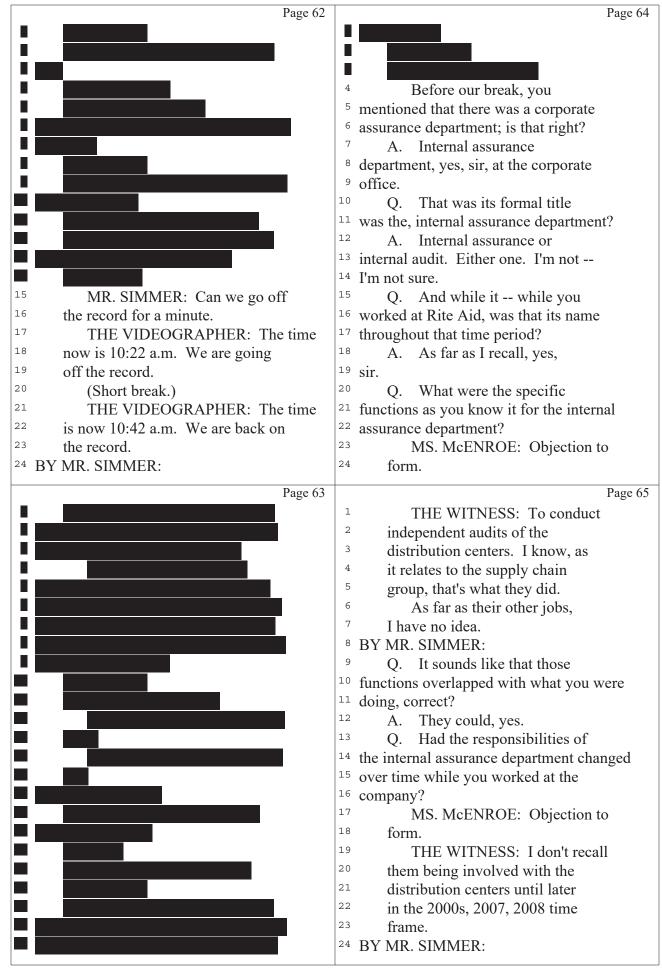
The training material would

	Page 46	Т	Page 48
1	_	1	
	be housed by the internal assurance	2	wall-to-wall audit at each
2	group. I probably had a copy of it		distribution center.
3	myself.		BY MR. SIMMER:
	The checklist was created by	4	Q. Did you have any external
5	multiple people within the headquarters	5	
6	operation. We consolidated everything to	6	······································
7	Steve Sheinfeld in internal assurance.	7	activities that you've been describing?
8	Bryan Strahan built the portfolio, the	8	A. As far as the CSA, no. We
	the scorecard, if you will, that we used	9	did work with outside outside
10	to conduct audits.	10	counsel not counsel. Outside support
11	Q. So you called it a checklist	11	during an VAWD accreditation at some
12	a moment ago. Now, you are calling it a	12	point during the 2000s.
13	profession of a positionic	13	Q. Who was that?
14	A. It it's a checklist that	14	A. I think her name was
15	at the conclusion of the addit provides a	15	Samantha Fatter. She worked with Kon
16	score.	16	Buzzeo group.
17	Q. So is it right that	17	Q. Spell her last name?
18	Steven or Steve Sheinfeld was the	18	A. F-A-L-T-E-R.
19	person who headed this effort?	19	Q. She was part of Buzzeo,
20	A. I would say jointly. He	20	correct?
21	he headed it for the CSA team.	21	A. Yes, sir.
22	Q. Along with you?	22	Q. And what did she do to help
23	A. Yes, sir.	23	
24	Q. So did this fall in your	24	A. It wasn't audit activity,
	D 47		
	Page 47		Page 49
1	actual job responsibilities, the work you	1	Page 49 sir. It was actually just creating a
1 2	_	1 2	_
	actual job responsibilities, the work you	1	sir. It was actually just creating a
2	actual job responsibilities, the work you were doing with the CSA team?	2	sir. It was actually just creating a standard operating procedure for VAWD
3	actual job responsibilities, the work you were doing with the CSA team? A. Written responsibilities,	3	sir. It was actually just creating a standard operating procedure for VAWD accreditation.
3 4	actual job responsibilities, the work you were doing with the CSA team? A. Written responsibilities, no, sir.	2 3 4 5	sir. It was actually just creating a standard operating procedure for VAWD accreditation. Q. What is VAWD accreditation?
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Page 50 Q. And did those change over	
Q. And did those change over	
	¹ for accreditation. And I guess it had
² time?	² something to do with their licensure, or
³ A. Yes, sir.	³ us being able to renew our licensure with
Q. Who was responsible for	⁴ Indiana.
⁵ for updating those regulatory guidelines?	5 I believe it was more of a
⁶ A. That would be me.	⁶ formatting issue than than anything.
⁷ Q. Throughout your time period,	⁷ Q. So the SOPs covered
8 that was your responsibility?	8 formatting only?
⁹ A. Yes, sir.	9 MS. McENROE: Objection to
Q. And Ms. Falter helped you	¹⁰ form.
¹¹ review those procedures?	THE WITNESS: I don't recall
12 A. No, sir.	specifically.
Q. I'm sorry, I thought you	¹³ BY MR. SIMMER:
said she helped you with the	Q. You don't recall
¹⁵ accreditation that you were receiving.	15 specifically what the SOPs covered?
A. That was VAWD accreditation,	A. Those SOPs, no, sir.
17 not regulatory guidelines. That was	Q. What type frame was it that
18 totally separate procedures.	she you were going through this VAWD
Q. And what did she actually	19 accreditation?
²⁰ do?	A. I don't recall.
A. She drafted SOPs to be	Q. Okay. What was your next
²² compliant with the VAWD accreditation	22 job at Rite Aid?
²³ needs.	A. Senior director of
Q. And this is accreditation	²⁴ regulatory compliance.
Dage 5	
Page 5	
¹ for the State of Indiana? ² A Ves sir	Q. This when all you receive
11. 103, 311.	² that job promotion? ³ A December 2010
Q. Was it only for your	71. December 2010.
⁴ distribution center in Indiana?	
	Q. And I called that a
⁵ A. And Perryman, Maryland.	⁵ promotion. I assumed it was a promotion.
 A. And Perryman, Maryland. Q. And why did you need that 	 promotion. I assumed it was a promotion. A. Yes, sir.
 A. And Perryman, Maryland. Q. And why did you need that for Perryman, Maryland, since it's not 	 5 promotion. I assumed it was a promotion. 6 A. Yes, sir. 7 Q. Did your duties change?
 A. And Perryman, Maryland. Q. And why did you need that for Perryman, Maryland, since it's not located in Indiana? 	 promotion. I assumed it was a promotion. A. Yes, sir. Q. Did your duties change? A. I assumed responsibility
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A. And Perryman, Maryland. Q. And why did you need that for Perryman, Maryland, since it's not located in Indiana? A. Perryman distributed to ludiana. Q. And where else did Perryman distribute? A. I don't recall every state. Q. And what kind of changes resulted as a part of the accreditation procedure that you were going through the VAWD accreditation? A. I don't recall any changes	 promotion. I assumed it was a promotion. A. Yes, sir. Q. Did your duties change? A. I assumed responsibility over pharmacy returns as well as my current responsibilities. Q. Had someone else been doing that to that point? A. Yes, sir. Q. So was this taking on additional responsibilities for you? A. Yes, sir. Q. Did you have people reporting to you in this position?
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A. And Perryman, Maryland. Q. And why did you need that for Perryman, Maryland, since it's not located in Indiana? A. Perryman distributed to Indiana. Q. And where else did Perryman distribute? A. I don't recall every state. Q. And what kind of changes resulted as a part of the accreditation procedure that you were going through the VAWD accreditation? A. I don't recall any changes that that took place. Q. So it's unclear to me what exactly she did then when she came and helped you with this accreditation?	5 promotion. I assumed it was a promotion. 6 A. Yes, sir. 7 Q. Did your duties change? 8 A. I assumed responsibility 9 over pharmacy returns as well as my 10 current responsibilities. 11 Q. Had someone else been doing 12 that to that point? 13 A. Yes, sir. 14 Q. So was this taking on 15 additional responsibilities for you? 16 A. Yes, sir. 17 Q. Did you have people 18 reporting to you in this position? 19 A. Yes, sir. 20 Q. How many people? 21 A. Three. 22 Q. Who were they?
A. And Perryman, Maryland. Q. And why did you need that for Perryman, Maryland, since it's not located in Indiana? A. Perryman distributed to Indiana. Q. And where else did Perryman distribute? A. I don't recall every state. Q. And what kind of changes resulted as a part of the accreditation procedure that you were going through the VAWD accreditation? A. I don't recall any changes that that took place. Q. So it's unclear to me what exactly she did then when she came and	5 promotion. I assumed it was a promotion. 6 A. Yes, sir. 7 Q. Did your duties change? 8 A. I assumed responsibility 9 over pharmacy returns as well as my 10 current responsibilities. 11 Q. Had someone else been doing 12 that to that point? 13 A. Yes, sir. 14 Q. So was this taking on 15 additional responsibilities for you? 16 A. Yes, sir. 17 Q. Did you have people 18 reporting to you in this position? 19 A. Yes, sir. 20 Q. How many people? 21 A. Three.







	Page 66		Page 68
1	_	1	_
2	Q. So after that time period,	2	A. Tony Bellezza.
3	they were responsible for audits of		Q. Can you spell his last name,
4	distribution centers, correct?		please?
5	MS. McENROE: Objection to	4	A. I will attempt.
6	form.		B-E-L-L-E-Z-Z-A.
7	THE WITNESS: They could	6	Q. Is he still working for the
	have been all along. That's just	8	company as far as you know?
8	what I remember.		A. I do not know.
9	BY MR. SIMMER:	9	Q. And did he hold that title
10	Q. Did they have responsibility		or was he strike that.
	for all of the Rite Aid entities?	11	Was he head of the internal
12	MS. McENROE: Objection to	12	assurance department throughout the time
13	form.	1	period that you worked at the company?
	BY MR. SIMMER:	14	A. As far as I can recall, yes.
15	Q. Strike that. Let me	15	Q. Did he hold that position
	rephrase.		when you left the company?
17	Did the corporate assurance	17	A. Yes.
	department or the internal assurance	18	Q. Help us understand. It
	department have responsibility for all of		looks like they overlap with you pretty
20	the Rite Aid distribution centers	20	substantially. It seems like it would be
	following that time period?	1	a confusing structure. Were they was
22	MS. McENROE: Objection to		that function completely separate from
23	form.		yours or are you basically working doing
24	THE WITNESS: I do not know.	24	the same responsibilities?
	Page 67		Page 69
1	Page 67 BY MR. SIMMER:	1	_
1 2	BY MR. SIMMER:	1 2	Page 69 MS. McENROE: Objection to form.
2	BY MR. SIMMER: Q. Did they have any		MS. McENROE: Objection to form.
3	BY MR. SIMMER: Q. Did they have any responsibility for suspicious order	2	MS. McENROE: Objection to form. THE WITNESS: Completely
3	BY MR. SIMMER: Q. Did they have any responsibility for suspicious order monitoring?	2	MS. McENROE: Objection to form. THE WITNESS: Completely different functions.
3 4	BY MR. SIMMER: Q. Did they have any responsibility for suspicious order	2 3 4	MS. McENROE: Objection to form. THE WITNESS: Completely different functions. BY MR. SIMMER:
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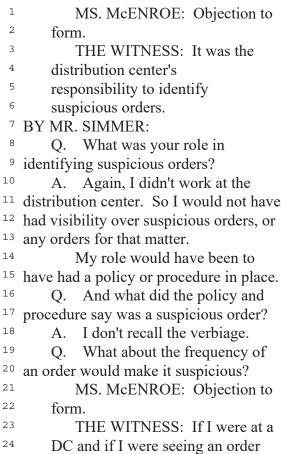
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	Page 70		Page 72
	chain regulatory compliance, you	1	Rite Aid, correct?
	understand that the DEA required that	2	A. That's correct, sir.
3	Rite Aid prevent diversion?	3	Q. Did you have any additional
4	MS. McENROE: Objection to	4	training with the bazzes of the same stress
5	form.	5	conferences you talked about, that you
6	THE WITNESS: Yes, sir.	6	attended later?
7	BY MR. SIMMER:	7	A. Yes.
8	Q. And based on your work and	8	Q. And what kind of training
9	experience, you are familiar with the		did you receive from Mr. Buzzeo in that
10	concept of a "suspicious order" in the		interval in between?
11		11	A. Just the exact same things.
12	MS. McENROE: Objection to	12	Q. The came back.
13	form.	13	A. Yes, sir.
14	THE WITNESS: Yes, sir.	14	Q. And trained you
15	BY MR. SIMMER:	15	additionally?
16	Q. And what does it mean?	16	A. We worked together
17	A. Suspicious would be	17	additionally, years. So I can give year an
18	anything, just that, suspicious.	18	example. When I first got there, in
19	Q. Can you clarify what you	19	well, 2000 in November 2000 Ron and I
20	mean by a suspicious order.	20	performed the training. He performed the
21	A. Anything abnormal.	21	training with me. The results were what
22	Q. Where did you gain your	22	they were.
	understanding about what a suspicious	23	And I invited him to come
24	order was?	24	back in six months and do a re-audit and,
	Page 71		Page 73
1		1	Page 73 vou know, give us a chance to treat
1 2	A. Through training with Ron		you know, give us a chance to treat
	A. Through training with Ron Buzzeo.	2	you know, give us a chance to treat our address any deficiencies so that
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2 3	A. Through training with Ron Buzzeo. Q. Would that be only at the conferences that you attended?	3	you know, give us a chance to treat our address any deficiencies so that six months from now when you come back, you should see a different story.
2 3 4	A. Through training with Ron Buzzeo. Q. Would that be only at the conferences that you attended? A. It really started when Ron	2 3 4 5	you know, give us a chance to treat our address any deficiencies so that six months from now when you come back, you should see a different story. So four months after the
2 3 4 5	A. Through training with Ron Buzzeo. Q. Would that be only at the conferences that you attended? A. It really started when Ron came to train me two months into my	2 3 4 5	you know, give us a chance to treat our address any deficiencies so that six months from now when you come back, you should see a different story. So four months after the fact I called Ron and invited him back
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2 3 4 5 6 7	A. Through training with Ron Buzzeo. Q. Would that be only at the conferences that you attended? A. It really started when Ron came to train me two months into my	2 3 4 5 6 7	you know, give us a chance to treat our address any deficiencies so that six months from now when you come back, you should see a different story. So four months after the fact I called Ron and invited him back and told him we were ready. Ron came back a week or two
2 3 4 5 6 7 8	A. Through training with Ron Buzzeo. Q. Would that be only at the conferences that you attended? A. It really started when Ron came to train me two months into my employment. Q. Back in 2000?	2 3 4 5 6 7 8	you know, give us a chance to treat our address any deficiencies so that six months from now when you come back, you should see a different story. So four months after the fact I called Ron and invited him back and told him we were ready. Ron came back a week or two
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Through training with Ron Buzzeo. Q. Would that be only at the conferences that you attended? A. It really started when Ron came to train me two months into my employment. Q. Back in 2000? A. Yes, sir. Q. How extensive was that training with Mr. Buzzeo? A. I like to think it was pretty extensive. We spent three or four days together going through his checklist, not just auditing, but explaining really what the spirit of the regulations mean, and then how to ensure that, you know, as a registrant that they were doing the things needed to do to be compliant with all the rules and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	you know, give us a chance to treat our address any deficiencies so that six months from now when you come back, you should see a different story. So four months after the fact I called Ron and invited him back and told him we were ready. Ron came back a week or two after our phone call and conducted another audit. He conducted the audit with me there, again asking questions, trying to continue to learn and found no deficiencies. Q. So what was he auditing when he came back the second time? A. Could you rephrase? I'm sorry. Q. You said he conducted a re-audit. What was he actually auditing? A. The control drug cage and
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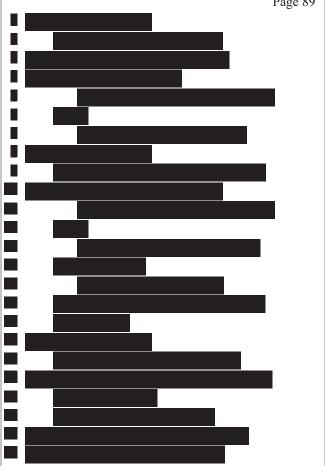
		Turcher Confidenciality Review
	Page 74	
	sir, at Perryman.	Q. Did he conduct any audits
2	Q. Okay. So when he first	² of at other distribution centers?
3	trained you in 2000, he actually	MS. McENROE: Objection to
4	conducted an audit of Perryman at that	form.
5	time?	5 THE WITNESS: I don't know
6	A. Yes, sir.	6 for sure if he himself did. I
7	Q. I take it that that wasn't a	⁷ know his company did.
8	positive audit?	8 BY MR. SIMMER:
9	A. That would be correct, sir.	⁹ Q. So it's your belief that
10	Q. What were the deficiencies	¹⁰ that others with Buzzeo conducted audits
11	that you recall he noted in in 2000?	¹¹ at the distribution centers?
12	A. I I don't recall	MS. McENROE: Objection to
13	individual.	form.
14	Q. Was there a written report	THE WITNESS: I believe that
15	that he prepared?	would be correct.
16	A. Yes, sir.	¹⁶ BY MR. SIMMER:
17	Q. And is that something that	Q. Do you know when they did
18	the company retained in its records as	18 this?
19	far as you know?	¹⁹ A. That I do not know.
20	A. I would assume but I do not	Q. Do you know who it was at
	know for sure.	²¹ Buzzeo that did these audits of the other
22	Q. When he came back, I guess	²² distribution centers?
	was it four months or six months later?	A. I recall one name, Ron
24	A. Four months.	²⁴ Garribato.
	D 77	D 7
	Page 75	Page 7
1	_	
1 2	Q. Did he prepare a report at that time?	
	Q. Did he prepare a report at	Q. You better spell that name.
2	Q. Did he prepare a report at that time? A. Yes, sir.	Q. You better spell that name. A. G-A-R-I-B-A-T-O.
3 4	Q. Did he prepare a report at that time?A. Yes, sir.Q. And again, that was only of	Q. You better spell that name. A. G-A-R-I-B-A-T-O. Q. And do you know what his
3 4	Q. Did he prepare a report at that time? A. Yes, sir.	Q. You better spell that name. A. G-A-R-I-B-A-T-O. Q. And do you know what his title was at Buzzeo?
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2 3 4 5 6 7 8	Q. Did he prepare a report at that time? A. Yes, sir. Q. And again, that was only of the Perryman facility, correct? A. That's correct. Q. And specifically in regard to controlled substances, correct?	Q. You better spell that name. A. G-A-R-R-I-B-A-T-O. Q. And do you know what his title was at Buzzeo? A. I do not. Q. Do you know when he did this? A. I can recall early 2000s.
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¹ reports after you did each of these mock	¹ an obligation to report any suspicious
² audits?	² orders to the DEA, right?
³ A. I honestly do not recall.	³ MS. McENROE: Objection to
⁴ Q. Did you put anything in	4 form.
⁵ writing when you after you conducted a	⁵ THE WITNESS: Yes, sir.
6 mock audit at a distribution center?	⁶ BY MR. SIMMER:
A. I may have given the	⁷ Q. And did that, in fact,
⁸ checklist to them that I had used during	⁸ happen, that the company reported any
⁹ my time there. It's just been so many	⁹ suspicious orders to the DEA while you
¹⁰ years ago, I just honestly don't remember	¹⁰ were the senior director supply chain
¹¹ all the details.	¹¹ regulatory compliance?
Q. So how long was the	MS. McENROE: Objection to
¹³ checklist that you used?	13 form.
A. I don't recall how many	THE WITNESS: I'm not aware
15 pages.	of any suspicious orders during my
Q. Was there a scoring system	tenure.
of any kind in the checklist?	¹⁷ BY MR. SIMMER:
¹⁸ A. Initially, no.	Q. That wasn't my question.
Q. There was later a scoring	¹⁹ Were there any reports to the DEA?
²⁰ system of some kind used?	A. Not that I'm aware of.
A. The the certified	Q. Based on your work as senior
²² self-assessment that we were talking	²² director supply chain regulatory
²³ about earlier with internal assurance,	²³ compliance, you'd agree that Rite Aid had
that did have a scoring system with it.	²⁴ an obligation not to ship any suspicious
7 -0	
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Page 79	Page 81
¹ Q. And when did you put in	¹ orders, right?
Q. And when did you put in place that scoring system?	 orders, right? MS. McENROE: Objection to
Q. And when did you put in place that scoring system? A. Say approximately 2009.	 orders, right? MS. McENROE: Objection to form.
Q. And when did you put in place that scoring system? A. Say approximately 2009. Q. Was that in conjunction with	 orders, right? MS. McENROE: Objection to form. THE WITNESS: Yes, sir.
Q. And when did you put in place that scoring system? A. Say approximately 2009. Q. Was that in conjunction with the the changes that you talked about	 orders, right? MS. McENROE: Objection to form. THE WITNESS: Yes, sir. BY MR. SIMMER:
Q. And when did you put in place that scoring system? A. Say approximately 2009. Q. Was that in conjunction with the the changes that you talked about earlier with the controlled substances	 orders, right? MS. McENROE: Objection to form. THE WITNESS: Yes, sir. BY MR. SIMMER: Q. Are you aware of any
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	ighly confidential - Subject to		<u> </u>
	Page 82		Page 84
1	please?	1	form. Misstates testimony.
2	BY MR. SIMMER:	2	THE WITNESS: I would say
3	Q. Do you know what the term	3	"red flag" being the keyword,
4	are you familiar with the term "red flags	4	again not familiar with the term.
5	of diversion"?	5	So I would say no.
6	A. I am not.	6	BY MR. SIMMER:
7	Q. Never heard of that before?	7	Q. During your time as senior
8	A. I have not.	8	director supply chain regulatory
9	Q. You never heard the DEA's	9	compliance, Rite Aid distributed
10	red flags for potential diversion?	10	controlled substances, correct?
11	MS. McENROE: Objection to	11	A. Yes, sir.
12	form. Asked and answered.	12	Q. And it distributed these
13	THE WITNESS: I have not.	13	controlled substances only to Rite Aid
14	BY MR. SIMMER:	14	stores, correct?
15	Q. So I take it that you in	15	A. That is correct.
16	your position as senior director supply	16	Q. During your time as a Rite
17	chain regulatory compliance did nothing	17	Aid employee, did it have a suspicious
18	to monitor any of the DEA red flags for	18	order monitoring program?
19	diversion, correct?	19	A. Yes, sir.
20	MS. McENROE: Objection to	20	Q. Can you describe what that
21	form.	21	program was?
22	THE WITNESS: That's	22	A. It was to I don't recall
23	inaccurate.	23	the exact verbiage. But it was basically
	BY MR. SIMMER:		to identify anything that seemed
	DI WIK. SHVIWIEK.		to identify anything that seemed
	Page 83		Page 85
1	Q. How is it inaccurate?	1	Page 85 suspicious, out of the ordinary. And if
1 2		1 2	
	Q. How is it inaccurate?	1	suspicious, out of the ordinary. And if
2	Q. How is it inaccurate?A. We had policies and	3	suspicious, out of the ordinary. And if a suspicious order was detected, the
2	Q. How is it inaccurate?A. We had policies andprocedures in place that for excessive	3 4	suspicious, out of the ordinary. And if a suspicious order was detected, the registrant would then call the government
2	Q. How is it inaccurate? A. We had policies and procedures in place that for excessive order monitoring.	3 4	suspicious, out of the ordinary. And if a suspicious order was detected, the registrant would then call the government affairs department at the corporate
2 3 4 5	Q. How is it inaccurate? A. We had policies and procedures in place that for excessive order monitoring. Q. Okay. I asked you a moment ago if you were familiar with the DEA red	2 3 4 5	suspicious, out of the ordinary. And if a suspicious order was detected, the registrant would then call the government affairs department at the corporate headquarters in which they would report
2 3 4 5	 Q. How is it inaccurate? A. We had policies and procedures in place that for excessive order monitoring. Q. Okay. I asked you a moment ago if you were familiar with the DEA red 	2 3 4 5 6	suspicious, out of the ordinary. And if a suspicious order was detected, the registrant would then call the government affairs department at the corporate headquarters in which they would report directly to DEA.
2 3 4 5 6 7	Q. How is it inaccurate? A. We had policies and procedures in place that for excessive order monitoring. Q. Okay. I asked you a moment ago if you were familiar with the DEA red flags for diversion and you said you were	2 3 4 5 6 7	suspicious, out of the ordinary. And if a suspicious order was detected, the registrant would then call the government affairs department at the corporate headquarters in which they would report directly to DEA. Q. Let's clarify what you mean
2 3 4 5 6 7 8	Q. How is it inaccurate? A. We had policies and procedures in place that for excessive order monitoring. Q. Okay. I asked you a moment ago if you were familiar with the DEA red flags for diversion and you said you were not, correct? A. I have not heard the term	2 3 4 5 6 7 8	suspicious, out of the ordinary. And if a suspicious order was detected, the registrant would then call the government affairs department at the corporate headquarters in which they would report directly to DEA. Q. Let's clarify what you mean by who is the registrant in in what you just described?
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2 3 4 5 6 7 8 9 10	Q. How is it inaccurate? A. We had policies and procedures in place that for excessive order monitoring. Q. Okay. I asked you a moment ago if you were familiar with the DEA red flags for diversion and you said you were not, correct? A. I have not heard the term "red flag," that's correct. Q. So I then asked you if you had undertaken any monitoring of the red	2 3 4 5 6 7 8 9 10	suspicious, out of the ordinary. And if a suspicious order was detected, the registrant would then call the government affairs department at the corporate headquarters in which they would report directly to DEA. Q. Let's clarify what you mean by who is the registrant in in what you just described? A. So Rite Aid of Maryland in Perryman's case. Q. And if Rite Aid of Maryland
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2 3 4 4 5 6 7 7 8 9 100 111 122 133 144 155 166 17 18	Q. How is it inaccurate? A. We had policies and procedures in place that for excessive order monitoring. Q. Okay. I asked you a moment ago if you were familiar with the DEA red flags for diversion and you said you were not, correct? A. I have not heard the term "red flag," that's correct. Q. So I then asked you if you had undertaken any monitoring of the red flags for diversion. And you said that you feel like you had. A. Monitoring to diversion, yes. Monitoring red flags, I would have to say no. Again, I'm not familiar I'm sorry, not familiar not familiar	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	suspicious, out of the ordinary. And if a suspicious order was detected, the registrant would then call the government affairs department at the corporate headquarters in which they would report directly to DEA. Q. Let's clarify what you mean by who is the registrant in in what you just described? A. So Rite Aid of Maryland in Perryman's case. Q. And if Rite Aid of Maryland became aware of a suspicious order, they would call government affairs at at corporate headquarters and they would report directly to the DEA, correct? A. Correct. Q. Did that ever happen to your
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2 3 3 4 4 5 6 7 7 8 9 100 111 122 133 144 155 166 177 18 19 20 21	Q. How is it inaccurate? A. We had policies and procedures in place that for excessive order monitoring. Q. Okay. I asked you a moment ago if you were familiar with the DEA red flags for diversion and you said you were not, correct? A. I have not heard the term "red flag," that's correct. Q. So I then asked you if you had undertaken any monitoring of the red flags for diversion. And you said that you feel like you had. A. Monitoring to diversion, yes. Monitoring red flags, I would have to say no. Again, I'm not familiar I'm sorry, not familiar not familiar with the term. Q. So the answer to my question, did you do any monitoring of	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	suspicious, out of the ordinary. And if a suspicious order was detected, the registrant would then call the government affairs department at the corporate headquarters in which they would report directly to DEA. Q. Let's clarify what you mean by who is the registrant in in what you just described? A. So Rite Aid of Maryland in Perryman's case. Q. And if Rite Aid of Maryland became aware of a suspicious order, they would call government affairs at at corporate headquarters and they would report directly to the DEA, correct? A. Correct. Q. Did that ever happen to your knowledge? A. Not that I'm aware of. Q. Explain what you mean by any
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. How is it inaccurate? A. We had policies and procedures in place that for excessive order monitoring. Q. Okay. I asked you a moment ago if you were familiar with the DEA red flags for diversion and you said you were not, correct? A. I have not heard the term "red flag," that's correct. Q. So I then asked you if you had undertaken any monitoring of the red flags for diversion. And you said that you feel like you had. A. Monitoring to diversion, yes. Monitoring red flags, I would have to say no. Again, I'm not familiar I'm sorry, not familiar not familiar with the term. Q. So the answer to my question, did you do any monitoring of the red flags of diversion, the answer	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	suspicious, out of the ordinary. And if a suspicious order was detected, the registrant would then call the government affairs department at the corporate headquarters in which they would report directly to DEA. Q. Let's clarify what you mean by who is the registrant in in what you just described? A. So Rite Aid of Maryland in Perryman's case. Q. And if Rite Aid of Maryland became aware of a suspicious order, they would call government affairs at at corporate headquarters and they would report directly to the DEA, correct? A. Correct. Q. Did that ever happen to your knowledge? A. Not that I'm aware of. Q. Explain what you mean by any suspicious order as being out of the
2 3 3 4 4 5 6 7 7 8 9 100 111 122 133 144 155 166 177 18 19 20 21	Q. How is it inaccurate? A. We had policies and procedures in place that for excessive order monitoring. Q. Okay. I asked you a moment ago if you were familiar with the DEA red flags for diversion and you said you were not, correct? A. I have not heard the term "red flag," that's correct. Q. So I then asked you if you had undertaken any monitoring of the red flags for diversion. And you said that you feel like you had. A. Monitoring to diversion, yes. Monitoring red flags, I would have to say no. Again, I'm not familiar I'm sorry, not familiar not familiar with the term. Q. So the answer to my question, did you do any monitoring of	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	suspicious, out of the ordinary. And if a suspicious order was detected, the registrant would then call the government affairs department at the corporate headquarters in which they would report directly to DEA. Q. Let's clarify what you mean by who is the registrant in in what you just described? A. So Rite Aid of Maryland in Perryman's case. Q. And if Rite Aid of Maryland became aware of a suspicious order, they would call government affairs at at corporate headquarters and they would report directly to the DEA, correct? A. Correct. Q. Did that ever happen to your knowledge? A. Not that I'm aware of. Q. Explain what you mean by any

se: _F	1:17-md-02804-DAP_Doc#:	; c	7/24/19 23.of 89. PageID#: 239791 Further Confidential#: ty Review
	Page 86		Page 88
1	anything that's that is outside of a	1	every day in large quantities for
2	normal pattern.	2	the same item, again, that
3	Q. And how would you determine	3	would that would get my
4	that an order was out of the ordinary	4	attention.
5	pattern?	5	BY MR. SIMMER:
6	MS. McENROE: Objection to	6	Q. Did that ever happen?
7	form.	7	A. Not that I recall.
8	THE WITNESS: It could be	8	Q. So during the time that you
9	the size of the order. It could	9	worked for the company, you have no
10	be the frequency of the order.	10	recollection of anytime there have been
11	That to me would get my attention.	11	an order that was identified as being
12	BY MR. SIMMER:	12	suspicious because it was too frequent,
13	Q. And what would be a size of	13	right?
14	an order that you would have deemed to	14	A. I do not.
15	have been suspicious?	15	Q. At any time while you worked
16	MS. McENROE: Objection to	16	for the company as the director of supply
17	form.	17	chain regulatory compliance, were there
18	THE WITNESS: I don't	18	any orders that were deemed to have been
19	personally know. I didn't work at	19	suspicious that were reported to the DEA
20	the distribution center.	20	or to government affairs?
21	BY MR. SIMMER:	21	MS. McENROE: Objection to
22	Q. Dui ii was your	22	form.
23	responsibility to identify suspicious	23	THE WITNESS: Not that I'm
24	orders, correct?	24	aware of.
	Page 87		Page 89
1	MS. McENROE: Objection to		
2	form.		
3	THE WITNESS: It was the		
4	distribution center's		
5	responsibility to identify		







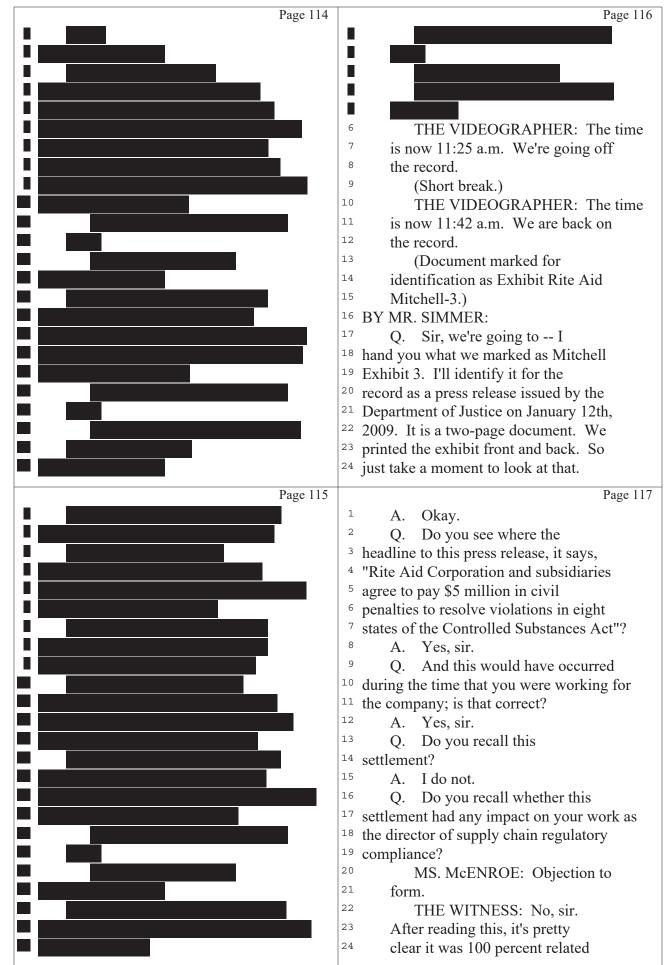












Page 118	Page 120
	Page 120
to the Rite Aid stores.	form.
² BY MR. SIMMER:	THE WITNESS: Yes. Yes, it
³ Q. Okay. Look at the first	would be.
bullet in the middle of the page, on Page	⁴ BY MR. SIMMER:
⁵ 1. Do you see where it says, "At	⁵ Q. And the orders that the
⁶ pharmacies in Kentucky and New York, Rite	⁶ pharmacy makes of controlled substances,
⁷ Aid knowingly filled prescriptions for	7 those would be to fill prescriptions,
8 controlled substances that were not	8 right?
⁹ issued for a legitimate medical purpose	⁹ A. That would be correct.
pursuant to a valid physician-patient	Q. And with regard to these
relationship"?	specific pharmacies, when they say there
A. Yes, sir.	was no legitimate medical purpose, that's
Q. So would you agree with me	¹³ coming out of their inventory of the
that when it says that it had no	shipments they had gotten from the
legitimate medical purpose, those are	Perryman facility, right?
prescriptions for which there was no	MS. McENROE: Objection to
¹⁷ legitimate need?	form.
MS. McENROE: Objection to	THE WITNESS: Yeah, it could
form.	be, certainly, or it could have
THE WITNESS: No. I	come from McKesson.
wouldn't necessarily say that.	²¹ BY MR. SIMMER:
²² BY MR. SIMMER:	Q. In either event, those
Q. And why wouldn't you?	²³ shipments were sent to a Rite Aid
A. They may be needed for	²⁴ pharmacy, right?
Page 119	Page 121
	Page 121 MS. McENROE: Objection to
¹ another patient, but maybe not in the	
 another patient, but maybe not in the example that they're giving. 	¹ MS. McENROE: Objection to
 another patient, but maybe not in the example that they're giving. Q. But with regard to those 	MS. McENROE: Objection to form.
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	Page 122		Page 124
1	doctor-physician-pharmacy-patient	1	Can you tell us what changes
2	relationship. I mean, what		the company made to its suspicious order
3	happens at the store level, I have	3	monitoring system to ensure that orders
4	no knowledge or observation of.	4	were being shipped based on legitimate
5	BY MR. SIMMER:	5	medical purpose?
6	Q. So when a store, and in this	6	MS. McENROE: Objection to
7	example these stores in Kentucky and New	7	form, including asked and
8	York, issued prescriptions for which	8	answered.
9	there was no legitimate medical purpose,	9	THE WITNESS: I am not aware
10	would you agree with me that they would	10	of any changes.
11	need to replenish their stock with	11	(Document marked for
12	additional controlled substances?	12	identification as Exhibit Rite Aid
13	MS. McENROE: Objection to	13	Mitchell-4.)
14	form.	14	BY MR. SIMMER:
15	THE WITNESS: Replenishment	15	Q. I'll hand you what we've
16	is based on sales, so yes.	16	marked as Mitchell Exhibit Number 4.
17	BY MR. SIMMER:	17	I'll identify it for the
18	Q. And so in that instance, if	18	record. It is a settlement agreement and
19	those sales were reflective of		release. We've obtained this off it's
20	prescriptions for which there was no	20	a public document. We obtained it off
21	legitimate medical purpose, correct?	21	the internet.
22	MS. McENROE: Objection to	22	If you'd like to review the
23	form.	23	entire document, that's fine. But I'm
24	THE WITNESS: That's		just going to ask you a few general
	THE WITHESS. That's		just going to ask you a few general
		_	
	Page 123	1	Page 125
1	that's what it says. Again, I		questions about it.
2	that's what it says. Again, I have no knowledge of that	2	questions about it. A. Okay.
	that's what it says. Again, I have no knowledge of that whatsoever.		questions about it. A. Okay. Q. Do you recall ever having
3 4	that's what it says. Again, I have no knowledge of that whatsoever. BY MR. SIMMER:	2 3 4	questions about it. A. Okay. Q. Do you recall ever having seen this document before?
2 3 4 5	that's what it says. Again, I have no knowledge of that whatsoever. BY MR. SIMMER: Q. Following the \$5 million in	2 3 4 5	questions about it. A. Okay. Q. Do you recall ever having seen this document before? A. No, sir.
2 3 4 5 6	that's what it says. Again, I have no knowledge of that whatsoever. BY MR. SIMMER: Q. Following the \$5 million in fines that Rite Aid paid here, can you	2 3 4 5 6	questions about it. A. Okay. Q. Do you recall ever having seen this document before? A. No, sir. Q. Is it fair to say that this
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	that's what it says. Again, I have no knowledge of that whatsoever. BY MR. SIMMER: Q. Following the \$5 million in fines that Rite Aid paid here, can you tell us what changes the company made to its suspicious order monitoring system to ensure that orders were being shipped based on legitimate medical purpose? MS. McENROE: Objection to form. THE WITNESS: Again, this is this entire document is relating to the stores. Never once does it talk about a distribution center. And I am confident that the programs we had in place, based on DEA audits, specifically Perryman in 2005 and in 2009, we had glowing results. BY MR. SIMMER:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	questions about it. A. Okay. Q. Do you recall ever having seen this document before? A. No, sir. Q. Is it fair to say that this settlement agreement and release, so far as you know, did not result in any changes in how you conducted your work as director of supply chain regulatory compliance at Rite Aid? MS. McENROE: Objection to form. THE WITNESS: That is correct. BY MR. SIMMER: Q. Okay. I'll direct your attention to one specific paragraph, Paragraph 10 on Page 11. Do you see where it says, "Rite Aid represents that it has taken good faith actions to detect and prevent

mighty confidencial - Subject t	
Page 126	Page 128
¹ procedures that are the subject of a	¹ pages.
² memorandum of agreement between Rite Aid	I think it's the memorandum
³ and the Drug Enforcement Administration,	³ of agreement that was being discussed in
⁴ dated January 12, 2009, and attached	⁴ the prior exhibit. Take a moment to look
⁵ hereto as Appendix B."	⁵ at that.
6 Do you see that?	⁶ By all means, look at the
⁷ A. Yes.	⁷ entire document if you need to. But I
⁸ Q. Did you undertake any	⁸ just have a few specific questions
⁹ changes in your work as Rite Aid's	⁹ relatively straightforward.
¹⁰ director of supply chain regulatory	Just the first paragraph. I
¹¹ compliance as part of these good faith	¹¹ can point to you a couple passages, and
¹² actions that the company agreed to	12 if you need to look at the rest of the
13 undertake?	¹³ document, do so.
MS. McENROE: Objection to	First paragraph, do you see
15 form.	that it says, "This is administrative
THE WITNESS: Is there a	memorandum of agreement entered into on
copy of the MOU that they are	this 12th day of January, 2009, by and
referring, or memorandum of	between the United States Department of
agreement?	¹⁹ Justice, Drug Enforcement Administration,
²⁰ BY MR. SIMMER:	²⁰ hereinafter DEA, and Rite Aid
Q. Well, we'll get to that in a	²¹ Corporation"?
²² moment. I just recall I'm asking	Do you see that?
²³ whether you whether you recall	A. Yes, sir.
²⁴ undertaking any good faith actions at all	Q. And that Rite Aid
D. 107	D 120
Page 127	Page 129
¹ as a result of this settlement?	¹ Corporation, that's the entity that you
 as a result of this settlement? MS. McENROE: Objection to 	¹ Corporation, that's the entity that you ² work for, correct?
 as a result of this settlement? MS. McENROE: Objection to form. 	 Corporation, that's the entity that you work for, correct? MS. McENROE: Objection to
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 as a result of this settlement? MS. McENROE: Objection to form. THE WITNESS: I do not recall. (Document marked for identification as Exhibit Rite Aid Mitchell-5.) BY MR. SIMMER: Q. Just to be clear for the record. Do you recall any discussions at 	 Corporation, that's the entity that you work for, correct? MS. McENROE: Objection to form. THE WITNESS: Yes, sir. BY MR. SIMMER: Q. You see at the end of that paragraph it says, "A list of Rite Aid subsidiaries is attached hereto as Exhibit A"? I'm sorry, Appendix A?
as a result of this settlement? MS. McENROE: Objection to form. THE WITNESS: I do not recall. (Document marked for identification as Exhibit Rite Aid Mitchell-5.) BY MR. SIMMER: Q. Just to be clear for the record. Do you recall any discussions at all about this \$5 million settlement	 Corporation, that's the entity that you work for, correct? MS. McENROE: Objection to form. THE WITNESS: Yes, sir. BY MR. SIMMER: Q. You see at the end of that paragraph it says, "A list of Rite Aid subsidiaries is attached hereto as Exhibit A"? I'm sorry, Appendix A? A. Yes, sir.
as a result of this settlement? MS. McENROE: Objection to form. THE WITNESS: I do not recall. (Document marked for identification as Exhibit Rite Aid Mitchell-5.) BY MR. SIMMER: Q. Just to be clear for the record. Do you recall any discussions at all about this \$5 million settlement while you were working with Rite Aid?	 Corporation, that's the entity that you work for, correct? MS. McENROE: Objection to form. THE WITNESS: Yes, sir. BY MR. SIMMER: Q. You see at the end of that paragraph it says, "A list of Rite Aid subsidiaries is attached hereto as Exhibit A"? I'm sorry, Appendix A? A. Yes, sir. Q. Can I direct you to
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as a result of this settlement? MS. McENROE: Objection to form. THE WITNESS: I do not recall. (Document marked for identification as Exhibit Rite Aid Mitchell-5.) BY MR. SIMMER: Q. Just to be clear for the record. Do you recall any discussions at all about this \$5 million settlement while you were working with Rite Aid? MS. McENROE: Objection to form. THE WITNESS: I do not	Corporation, that's the entity that you work for, correct? MS. McENROE: Objection to form. THE WITNESS: Yes, sir. BY MR. SIMMER: Q. You see at the end of that paragraph it says, "A list of Rite Aid subsidiaries is attached hereto as Exhibit A"? I'm sorry, Appendix A? A. Yes, sir. Q. Can I direct you to Appendix A at the back, it's Page 9. And this is a list of all the Rite Aid subsidiaries, correct?
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as a result of this settlement? MS. McENROE: Objection to form. THE WITNESS: I do not recall. (Document marked for identification as Exhibit Rite Aid Mitchell-5.) BY MR. SIMMER: Q. Just to be clear for the record. Do you recall any discussions at all about this \$5 million settlement while you were working with Rite Aid? MS. McENROE: Objection to form. THE WITNESS: I do not recall. BY MR. SIMMER:	Corporation, that's the entity that you work for, correct? MS. McENROE: Objection to form. THE WITNESS: Yes, sir. BY MR. SIMMER: Q. You see at the end of that paragraph it says, "A list of Rite Aid subsidiaries is attached hereto as I'm sorry, Appendix A? L'm sorry, Appendix A? A. Yes, sir. Q. Can I direct you to Appendix A at the back, it's Page 9. And this is a list of all the Rite Aid subsidiaries, correct? A. Yes, sir. A. Yes, sir. A. Yes, sir.
as a result of this settlement? MS. McENROE: Objection to form. THE WITNESS: I do not recall. (Document marked for identification as Exhibit Rite Aid Mitchell-5.) BY MR. SIMMER: Q. Just to be clear for the record. Do you recall any discussions at all about this \$5 million settlement while you were working with Rite Aid? MS. McENROE: Objection to form. THE WITNESS: I do not recall. BY MR. SIMMER: Q. I'll hand you what we've	Corporation, that's the entity that you work for, correct? MS. McENROE: Objection to form. THE WITNESS: Yes, sir. BY MR. SIMMER: Q. You see at the end of that paragraph it says, "A list of Rite Aid subsidiaries is attached hereto as It is is attached hereto as It is is a list of all Appendix A at the back, it's Page 9. And this is a list of all the Rite Aid subsidiaries, correct? A. Yes, sir.
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as a result of this settlement? MS. McENROE: Objection to form. THE WITNESS: I do not recall. (Document marked for identification as Exhibit Rite Aid Mitchell-5.) BY MR. SIMMER: Q. Just to be clear for the record. Do you recall any discussions at all about this \$5 million settlement while you were working with Rite Aid? MS. McENROE: Objection to form. THE WITNESS: I do not recall. BY MR. SIMMER: Q. I'll hand you what we've marked as Mitchell Exhibit Number 5. I'll identify it for the	Corporation, that's the entity that you work for, correct? MS. McENROE: Objection to form. THE WITNESS: Yes, sir. BY MR. SIMMER: Q. You see at the end of that paragraph it says, "A list of Rite Aid subsidiaries is attached hereto as I'm sorry, Appendix A? L'm sorry, Appendix A? A. Yes, sir. Q. Can I direct you to Appendix A at the back, it's Page 9. And this is a list of all the Rite Aid subsidiaries, correct? A. Yes, sir. Q. And they were a party to as far as the way this is referencing, they were a party to the settlement as well, correct?
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5 1	to further confidentiality Review
Page 130	Page 132
¹ indicated, Rite Aid of Maryland Inc.?	¹ BY MR. SIMMER:
² MS. McENROE: Objection to	² Q. Had you known that, would it
³ form.	³ have have prompted you to make any
⁴ THE WITNESS: Yes, sir.	4 changes to Rite Aid's suspicious order
⁵ BY MR. SIMMER:	⁵ monitoring program?
6 Q. Can I take you back to	6 MS. McENROE: Objection to
⁷ Page 3 of this exhibit. At the last	⁷ form. Calls for speculation.
8 sentence of the first paragraph on that	8 THE WITNESS: I don't think
9 page, do you see where it says, "Rite Aid	9 SO.
¹⁰ acknowledges and agrees that the	10 BY MR. SIMMER:
weight with all the same and	
	Q. Decause in your your
subparagraph do not fulfill the totality	view, what happened at the pharmacies was
of its obligations under the CSA"?	13 irrelevant to what was happening at the
A. Yes, sir.	distribution center level?
Q. So you agree with me that	MS. McENROE: Objection to
that the compliance that the company had	form.
entered into wasn't all its obligations	THE WITNESS: I felt
were under the Controlled Substances Act,	comfortable that the distribution
¹⁹ right?	centers had good policies and
²⁰ A. Yes, sir.	procedures and measures already in
Q. And in the next paragraph,	place to prevent the DCs from
²² you see where it says, "Rite Aid shall	from shipping to stores.
²³ monitor compliance at all Rite Aid	²³ BY MR. SIMMER:
²⁴ locations in properly maintaining records	Q. So as far as you know, were
	•
Daga 121	Page 122
Page 131	
¹ in accordance with the CSA. Within one	¹ the distribution centers centers
 in accordance with the CSA. Within one year of the effective date of this 	 the distribution centers centers actually monitoring whether there was
 in accordance with the CSA. Within one year of the effective date of this agreement, Rite Aid loss prevention 	 the distribution centers centers actually monitoring whether there was legitimate medical need for the
 in accordance with the CSA. Within one year of the effective date of this agreement, Rite Aid loss prevention managers will conduct a separate audit of 	 the distribution centers centers actually monitoring whether there was legitimate medical need for the prescriptions that they were filling?
 in accordance with the CSA. Within one year of the effective date of this agreement, Rite Aid loss prevention managers will conduct a separate audit of all Rite Aid pharmacies for compliance in 	 the distribution centers centers actually monitoring whether there was legitimate medical need for the prescriptions that they were filling? MS. McENROE: Objection to
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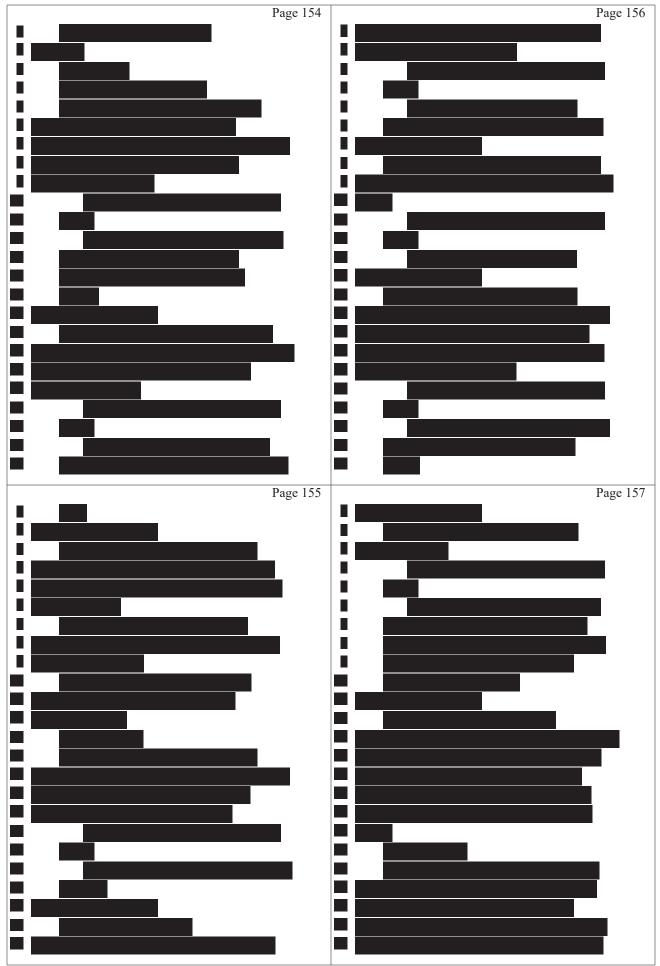
Page 134 Page 136 ¹ that were filled at pharmacies where Q. And I'm trying to ² there was no legitimate medical need, ² understand. As you -- in your 3 that had no bearing on what you were ³ responsibilities as the director of 4 doing in your job; is that right? ⁴ supply chain regulatory compliance at 5 MS. McENROE: Objection to ⁵ this time, what you're -- you're 6 form. ⁶ testifying that the fact that there were 7 THE WITNESS: That would be prescriptions filled where there was no 8 legitimate medical need, you felt that 8 correct. This is 100 percent 9 related to deficiencies at the they had nothing to do with the company's 10 pharmacies. It's not the pharmacy obligation to have a suspicious order 11 distribution centers. monitoring program that was in operation 12 BY MR. SIMMER: at the time, right? 13 13 MS. McENROE: Objection to Q. So -- so when a --14 14 MS. McENROE: Hold on. Did form. 15 15 you have something more to say? THE WITNESS: No, that's not BY MR. SIMMER: 16 16 what I said. 17 17 Q. Yeah, were you --I said that my 18 A. Again, I was just going to 18 responsibility was oversight over 19 kind of go back to, we had had -- we have 19 the distribution centers. ²⁰ had multiple DEA audits, where again DEA 20 I was not aware of any of 21 this when it happened. Therefore, ²¹ has come in, they -- they've looked at 22 ²² the entire gamut of the operation. They if I'm not aware of it, I ²³ have continually praised the distribution 23 wouldn't, or couldn't have made ²⁴ center on its compliance programs, on the changes to the program at the DCs. Page 135 Page 137 ¹ effectiveness on the programs. ¹ BY MR. SIMMER: And again, with DEA being Q. Do you have an understanding ³ kind of my scorecard as to how I rate my ³ of who in the company would have had an ⁴ ability to help the DCs become compliant, ⁴ obligation to tell you about this ⁵ if the DC -- if the DEA is telling me ⁵ settlement agreement and how it might ⁶ that your program is awesome, then I have ⁶ impact what the company was doing about ⁷ no -- no really valid business reason to its suspicious order monitoring program? ⁸ want to change that. MS. McENROE: Objection to ⁹ BY MR. SIMMER: form. 10 Q. Point well taken. 10 THE WITNESS: I could assume 11 So what you're testifying, 11 that multiple people could have, ¹² as I understand it, the fact that the 12 or should have notified the supply 13 company had admitted in this settlement 13 chain department. ¹⁴ agreement that there were prescriptions BY MR. SIMMER: ¹⁵ filled where there was no legitimate 15 Q. And who were those ¹⁶ medical need was irrelevant to what individuals you believe that could have ¹⁷ the -- the company was doing in or should have notified the supply chain 18 suspicious order monitoring, correct? department? 19 MS. McENROE: Objection to 19 A. Whoever was involved in 20 making the settlement. So I'm -- I would form. 21 assume the Rite Aid legal team, or THE WITNESS: I'm saying I 22 had no oversight or knowledge of government affairs or pharmacy 23 operations. 24 BY MR. SIMMER: And your best recollection

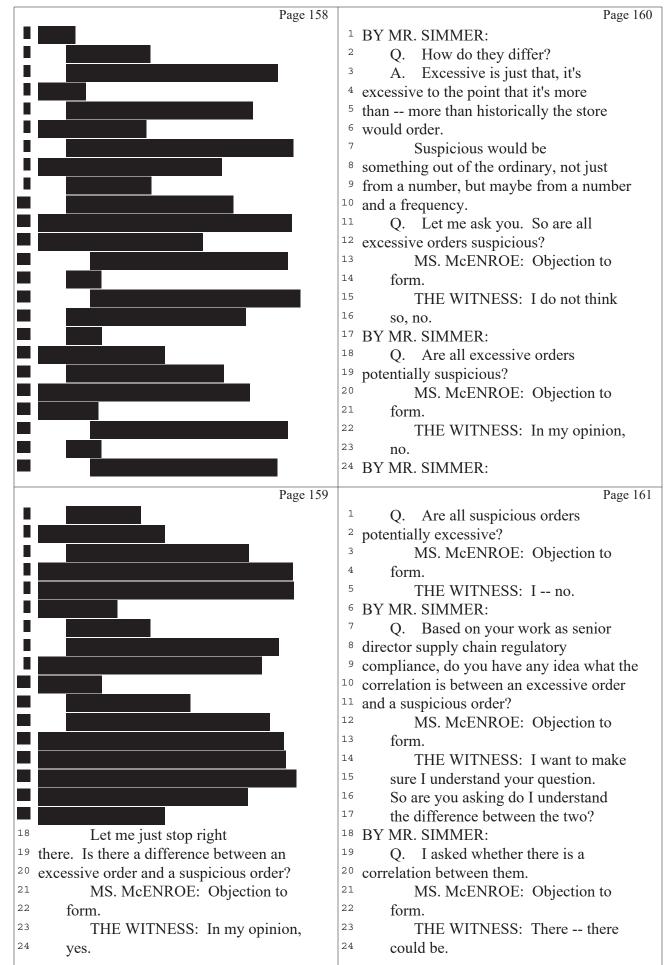




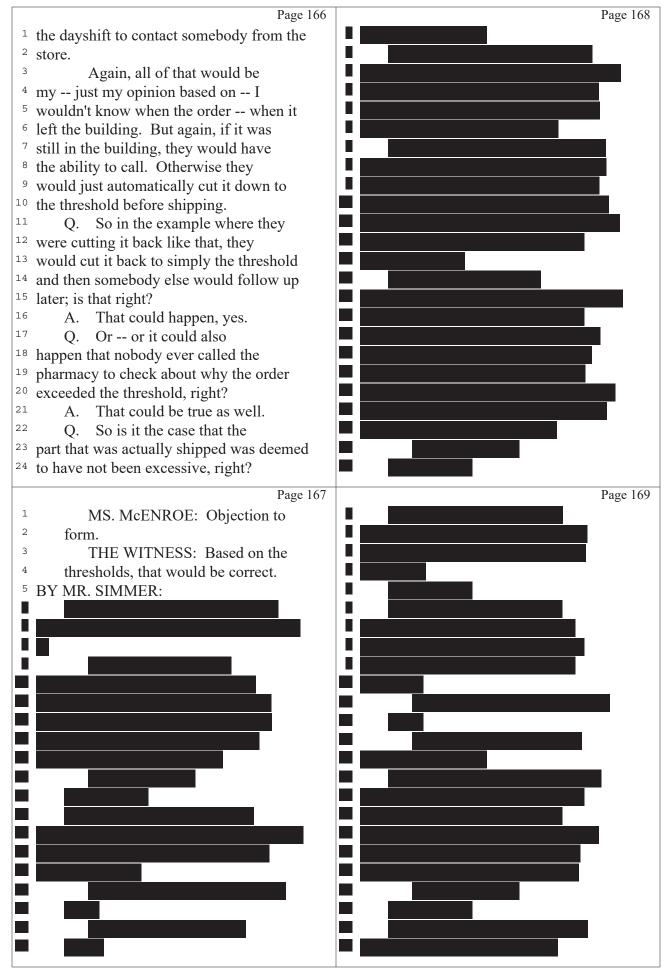


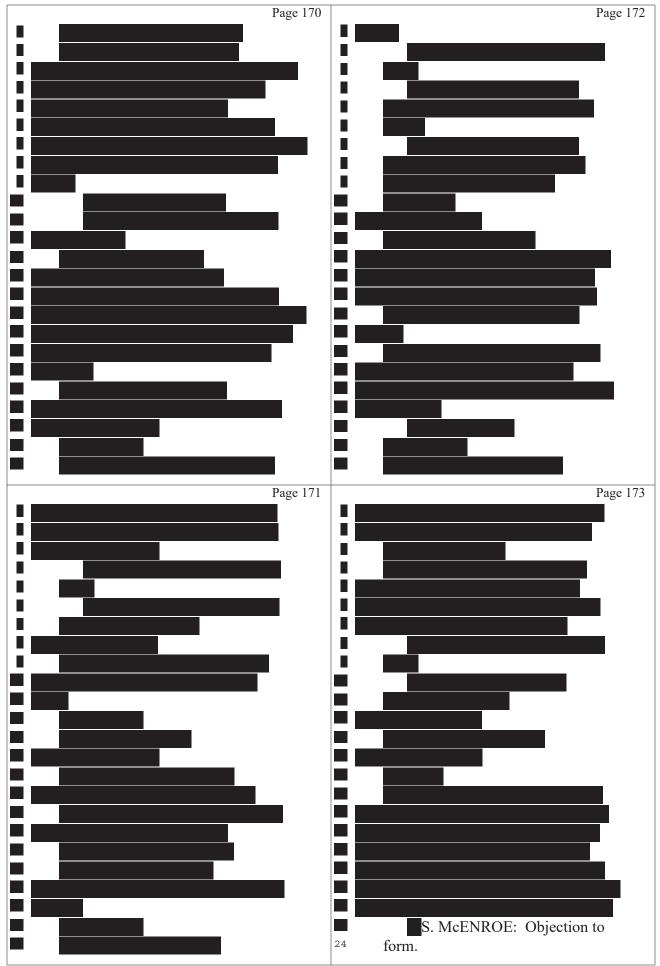


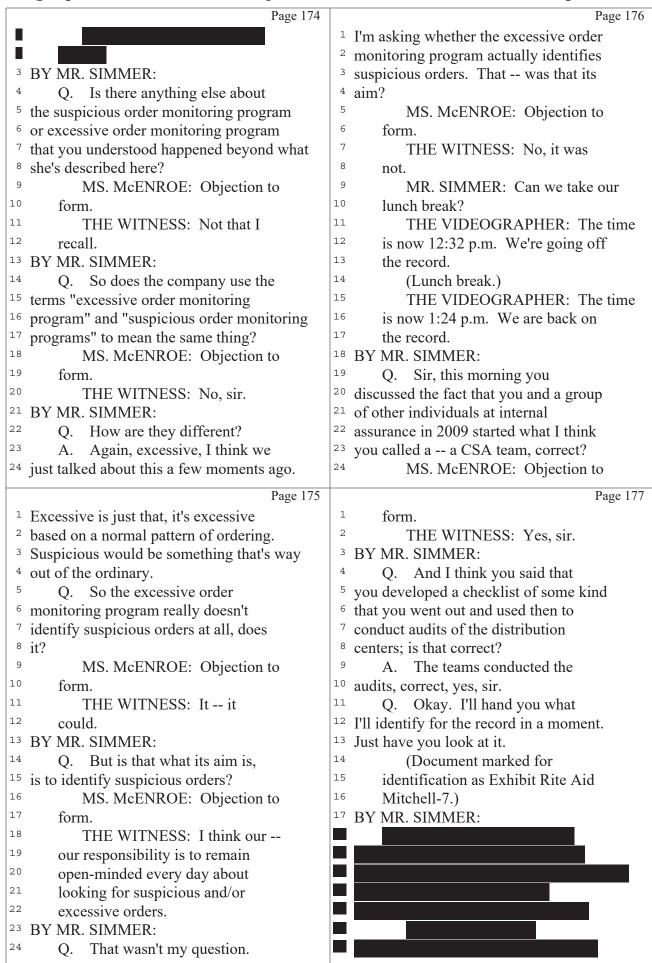




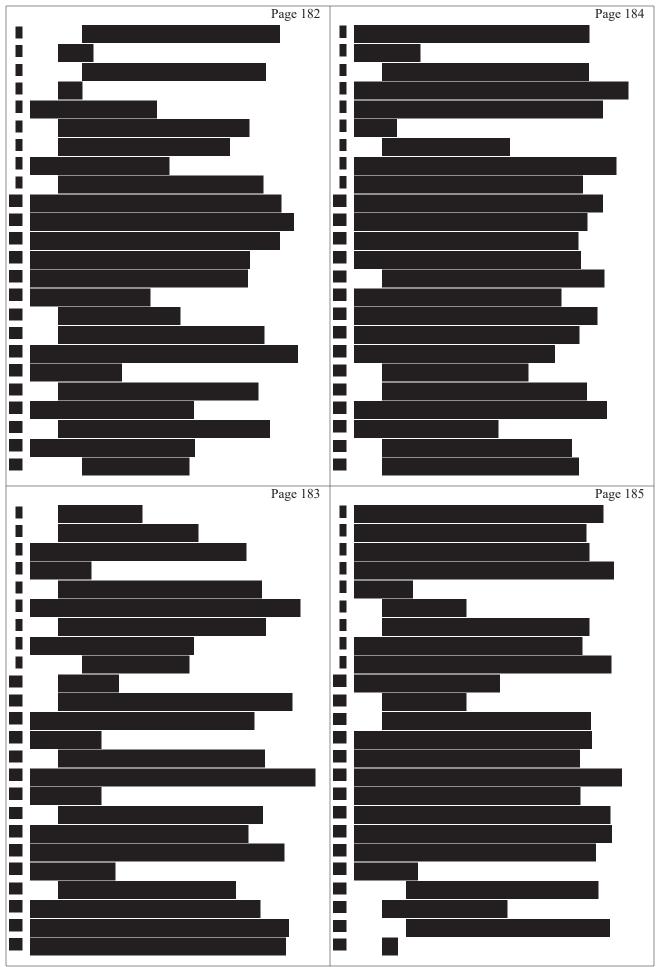
Page 162 Page 164 ¹ BY MR. SIMMER: ¹ BY MR. SIMMER: 2 2 Q. I'm not asking whether it O. Sure. Based on your experience as could be. 4 senior director supply chain regulatory So your system is identifying excessive orders, right? ⁵ compliance, do you have any understanding A. It would --⁶ how identifying orders over 5,000 units 7 per month would identify suspicious MS. McENROE: Objection to 8 orders? form. 9 THE WITNESS: Our system MS. McENROE: Objection to 10 10 would identify both. form. 11 BY MR. SIMMER: 11 THE WITNESS: I do not. 12 Q. Okay. So if I -- if your BY MR. SIMMER: system is identifying excessive orders 13 13 Q. Based on your experience as beyond the threshold, right? senior director of supply chain 15 A. Yes, sir. regulatory compliance, do you know what 16 ¹⁶ happened if Rite Aid identified an order Q. I'm asking do you have any -- any idea how -- what the frequency as being excessive? is where that excessive order actually 18 A. Yes, I do. turned out to be a suspicious order? 19 Q. What happened? 20 20 So, there was a policy in MS. McENROE: Objection to 21 place, Rite Aid would actually contact -form. 22 THE WITNESS: I don't recall ²² the Rite Aid distribution center would 23 any suspicious orders during my ²³ contact the store and ask the store, hey, 24 tenure with Rite Aid. ²⁴ we got an order for 53 units, did you Page 163 Page 165 ¹ BY MR. SIMMER: ¹ mean to order 53 units. Depending on Q. So the fact that you were ² what they said, again typically, I think ³ identifying excessive orders has no ³ we talked about this earlier, they would ⁴ correlation at all to there being any ⁴ say, "No, I'm sorry, the order, it should suspicious orders, right? ⁵ be five," or, "It should be three." 6 MS. McENROE: Objection to They would make a note of 7 ⁷ that on a log. And then cut that order form. ⁸ back to whatever the true amount was that THE WITNESS: I would agree. 9 BY MR. SIMMER: was -- that should have been ordered. 10 Q. Because your system didn't 10 Q. In the example, if -- if the identify any suspicious orders, right? order was being filled in the middle of 12 MS. McENROE: Objection to the night, what would the overnight shift 13 do at Perryman if an order came in that form. 14 THE WITNESS: Not that I was over the threshold? 15 15 recall. A. I think -- well, they did a ¹⁶ couple things. First of all, you can't ¹⁶ BY MR. SIMMER: 17 Q. And what is your contact the store in the middle of the understanding how why identifying orders night. So sometimes I'm sure nothing was over 5,000 units per month would identify ¹⁹ done. It may have just automatically suspicious orders? ²⁰ been cut back. And then I'm sure there 21 ²¹ were probably times where they may have MS. McENROE: Objection to 22 ²² left a note for somebody on the dayshift form. 23 ²³ that, hey, this happened at nightshift. THE WITNESS: Could you ask 24 that again, please? ²⁴ If that order had not shipped already for

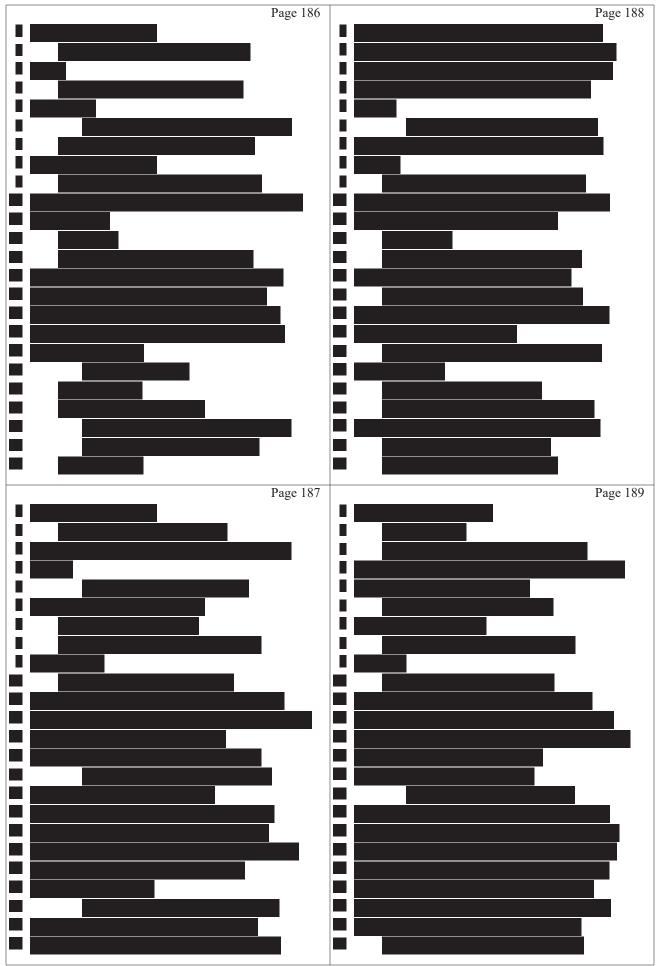




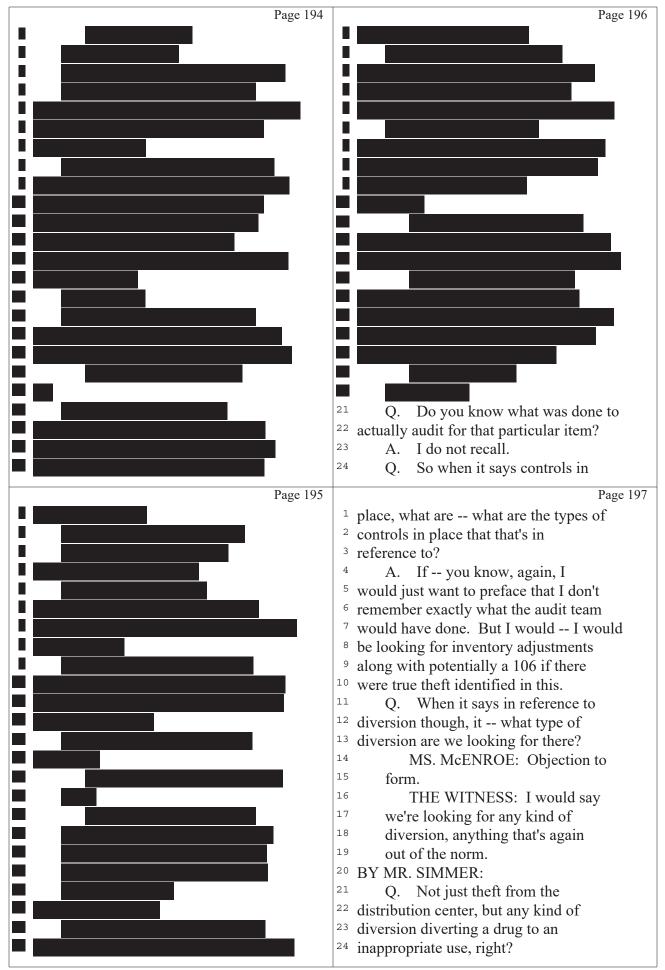












	B 100	J 1	B 200
	Page 198		Page 200
1	MS. McENROE: Objection to	1	we've got proper controls and
2	form.	2	there's been no diversion.
3	THE WITNESS: Or that		BY MR. SIMMER:
4	could be true. It could be in a	4	Q. So in that particular
5	different department it shouldn't	5	example, we're just counting numbers,
6	be in. It could be just as simple	1	we're not actually digging into the
7	as that. Just a lack of control.		orders themselves to determine whether
	BY MR. SIMMER:	8	there was any inappropriate order
9	Q. Do you know how the the	9	included, right?
	audit team reviewed this particular audit	10	MS. McENROE: Objection to
	finding or element to make a decision	11	form.
	whether the the distribution center	12	THE WITNESS: That would
	was in compliance or not?	13	have done prior to any shipments
14	MS. McENROE: Objection to	14	being made.
15	form.	15	BY MR. SIMMER:
16	THE WITNESS: I would assume	16	Q. By whom?
17	that they did a controlled drug	17	A. By the pharmacy department.
18	accountability on the items to	18	Q. But not at out of the
19	ensure that those numbers	19	Perryman center, they would not or
20	balanced, which would show proper	20	distribution center. They would not be
21	control over receipts, sales, the	21	looking at whether the orders themselves
22	whole gamut.	22	were appropriate, right?
23	BY MR. SIMMER:	23	MS. McENROE: Objection to
24	Q. Is that actually looking	24	form.
	Page 199		Page 201
1 1	_	1	Page 201 THE WITNESS: The Perryman
	then at shipments to, you know, that	1 2	THE WITNESS: The Perryman
2 1	_		_
3 ,	then at shipments to, you know, that that Perryman was making to determine	2	THE WITNESS: The Perryman facility, those folks would be
3 ,	then at shipments to, you know, that that Perryman was making to determine whether there was any diversion	2	THE WITNESS: The Perryman facility, those folks would be looking. The the CSA audit team,
3 4	then at shipments to, you know, that that Perryman was making to determine whether there was any diversion evidence of diversion there?	2 3 4	THE WITNESS: The Perryman facility, those folks would be looking. The the CSA audit team, if if that's what you're
3 4 6	then at shipments to, you know, that that Perryman was making to determine whether there was any diversion evidence of diversion there? A. Yes	2 3 4 5	THE WITNESS: The Perryman facility, those folks would be looking. The the CSA audit team,
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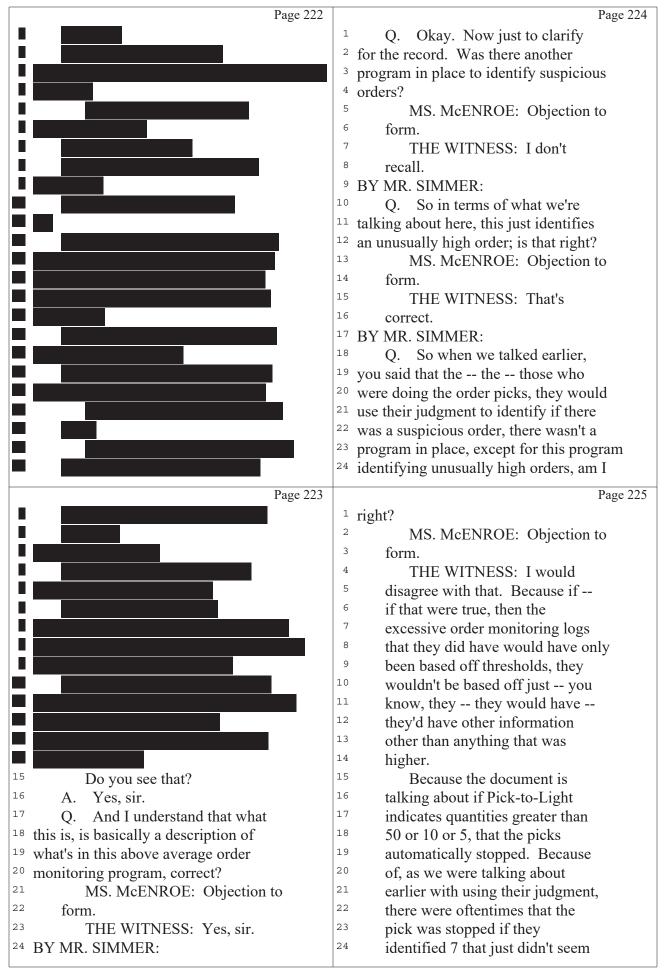
two of something each week, which two of something each week, which tis well below the threshold, if they all of a sudden order seven, because you have the same people picking orders day in and day out, that looks excessive. MR. SIMMER: Q. So you're just looking at excessive orders, not suspicious orders? So again, if one store always all of the sudden they're ordering anything greater than that, they would then that would be kind of an eye opener to them. They would then in turn call the store, verify if you really truly needed that seven or if that	Page 204
is well below the threshold, if they all of a sudden order seven, because you have the same people picking orders day in and day out, that looks excessive. MR. SIMMER: Q. So you're just looking at orders two of a specific item, and all of the sudden they're ordering anything greater than that, they would then that would be kind of an eye opener to them. They would then in turn call the store, verify if you really	
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7 BY MR. SIMMER: 7 They would then in turn call 8 Q. So you're just looking at 8 the store, verify if you really	
8 Q. So you're just looking at 8 the store, verify if you really	
- caucasive orders, not suspicious orders? truly needed that seven of it that	
10 A. Well 10 order should be cut back to two.	
MS. McENROE: Did you finish 11 And they have logs that they keep)
your answer? 12 in the control drug cage that	
THE WITNESS: Yes and no. 13 annotate every every call they	
There there I want made, who they spoke to, what the	e
to I want to kind of correct outcome of the call was, and if	
what I said earlier today too, if that order was in turn reduced or	
17 I if I may. 17 not.	
18 BY MR. SIMMER:	
Q. No, there's not a question Q. And you had nothing to do	
20 pending on that, so	1.
21 A. Okay. So I'll move on.	~,
Could you please repeat your MS. McENROE: Objection t	0
23 question again. 23 form.	
Q. So my question is, this THE WITNESS: That's	
	207
_	Page 205
process you we tarked about, where the	
Terry main forks would have looked at this,	
they are identifying excessive orders, work at the BC.	
4 not suspicious orders, right? 4 BY MR. SIMMER: 5 O So when you talked about	
Wis. Well work about	
your understanding, you're just	
speculating, aren't you:	
orders could turn into suspicious orders. 8 MS. McENROE: Objection. 9 BY MR. SIMMER:	
DI WIK. SIMINER.	
Q. But they are only really	0
Tooking at the total number of count of wis. Well-vicol. Objection to	υ
orders relative to a prior period, right.	_
MS. McErice Cojection to The Williams	2
addits, I've actuary seem it	
nappen. The withessed it.	
better that one of them answer	
that than me. 18 Q. Tell us when what times	
My understanding is that 19 you recall having witnessed that	
they are looking at anything that	
just looks abnormal. Again, it 21 A. I can't give you specific	
could be small in size, it could 22 timelines, but during my 11 and a half	
be large in size. 23 years of employment there.	
They would then question it. Q. But you can't tell us	

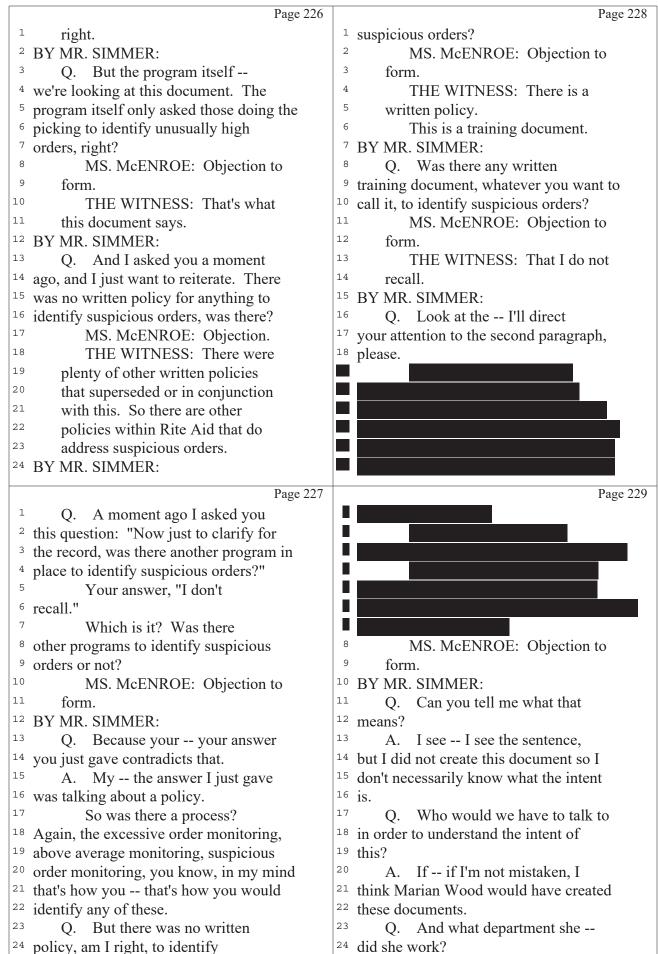
mighty confidencial - subject t	_
Page 206	Page 208
¹ specifically what happened?	Q. So were there any objective
² MS. McENROE: Objection to	² criteria used by the order picker in
³ form. Asked and answered.	³ order to determine whether an order was
⁴ THE WITNESS: No. That's	⁴ suspicious or not?
⁵ 19 years ago to seven years ago, I	⁵ MS. McENROE: Objection to
6 don't recall a specific date.	6 form.
⁷ BY MR. SIMMER:	⁷ THE WITNESS: Correct.
⁸ Q. So did you actually	⁸ BY MR. SIMMER:
⁹ participate ever on any of these calls	⁹ Q. I didn't ask a yes-or-no
¹⁰ that the distribution center made to a	¹⁰ question. I said were there any
¹¹ pharmacy to call to question whether	¹¹ objective criteria used by the order
¹² the order was suspicious or not?	¹² picker to determine whether it was
A. Did I participate? No, I	13 suspicious or not?
¹⁴ did not.	MS. McENROE: Objection to
Q. So in the Perryman center	¹⁵ form.
16 let me have see if I get this right.	THE WITNESS: Again, their
17 It was the order picker that would flag	experience.
¹⁸ whether it was a potentially suspicious	¹⁸ BY MR. SIMMER:
19 order; is that right?	Q. Were there any SOPs in place
MS. McENROE: Objection to	²⁰ that the company used to determine
form.	²¹ whether an order was suspicious or not?
THE WITNESS: That is	MS. McENROE: Objection to
correct.	²³ form.
²⁴ BY MR. SIMMER:	THE WITNESS: The company
Page 207	Page 209
Page 207 Q. And that is what your	Page 209 did have SOPs for suspicious order
¹ Q. And that is what your	did have SOPs for suspicious order
Q. And that is what your understanding is?	did have SOPs for suspicious order monitoring.
 Q. And that is what your understanding is? A. That is correct. 	did have SOPs for suspicious order monitoring. BY MR. SIMMER:
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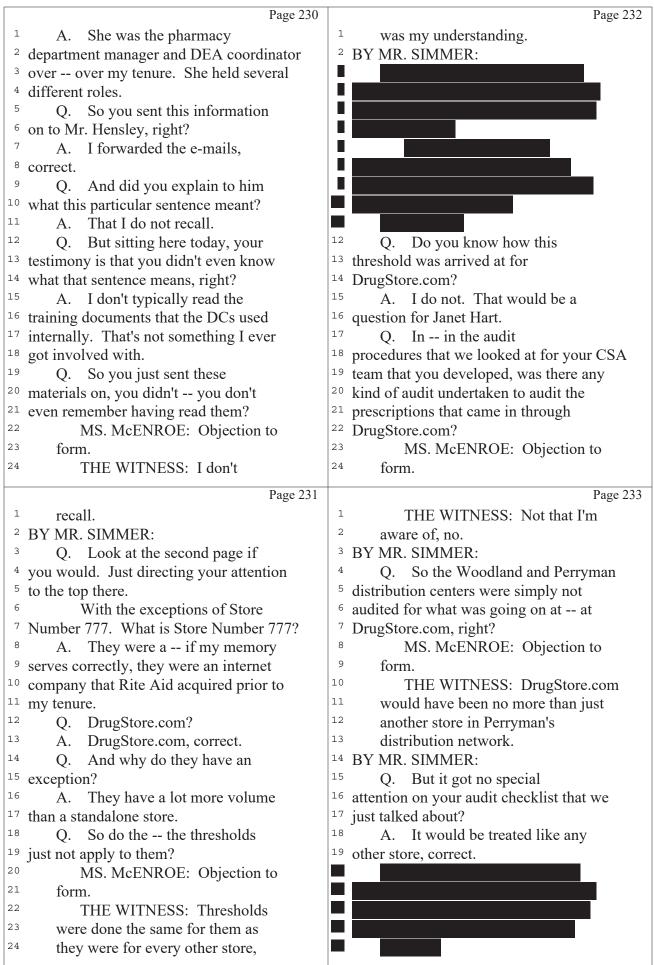
	ighty Confidential - Subject to		-
	Page 210		Page 212
	and signoffs from each associate that was	1	BY MR. SIMMER:
2	trained.	2	Q. Did anybody ever audit the
3	Q. And what were the training	3	accuracy of their picking suspicious
4	materials they used for this training?	4	orders?
5	MS. McENROE: Objection to	5	MS. McENROE: Objection to
6	form.	6	form.
7	THE WITNESS: That, I cannot	7	THE WITNESS: I do not know.
8	answer. I don't know.	8	BY MR. SIMMER:
9	BY MR. SIMMER:	9	Q. Yet, this is one of the
10	Q. Who prepared the training	10	things that you and the CSA team did, is
11	materials?	11	put together that checklist? You didn't
12	A. The DC.	12	1 0
13	Q. You had nothing to do with	13	mandated that the Perryman center and the
14	it?	14	Woodland center was to be audited for the
15	A. I did not.	15	accuracy of the pickers in identifying
16	Q. Okay. Were these pickers	16	suspicious orders; isn't that right?
17	evaluated on how accurate they were in	17	MS. McENROE: Objection to
18	determining whether orders were	18	form.
19	suspicious or not?	19	THE WITNESS: We
20	MS. McENROE: Objection to	20	identified what we required was
21	form.	21	that there be an excessive order
22	THE WITNESS: That, I do not	22	and/or suspicious order monitoring
23	know.	23	program and that it was being
24	BY MR. SIMMER:	24	used.
	DI WIK. SHVIWIEK.		usca.
_		_	
	Page 211		Page 213
1	Q. Do you know whether they	1	And based on the results and
	Q. Do you know whether they received any kind of bonuses or in	2	And based on the results and the documents from the DCs, it was
2	Q. Do you know whether they received any kind of bonuses or in their in their evaluations related to		And based on the results and the documents from the DCs, it was being used. It was being used
3 4	Q. Do you know whether they received any kind of bonuses or in their in their evaluations related to their accuracy of identifying suspicious	3 4	And based on the results and the documents from the DCs, it was being used. It was being used very effectively. And DEA as well
3 4	Q. Do you know whether they received any kind of bonuses or in their in their evaluations related to	2	And based on the results and the documents from the DCs, it was being used. It was being used
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2 3 4 5	Q. Do you know whether they received any kind of bonuses or in their in their evaluations related to their accuracy of identifying suspicious orders?	2 3 4 5	And based on the results and the documents from the DCs, it was being used. It was being used very effectively. And DEA as well commented on just how good and
2 3 4 5 6	Q. Do you know whether they received any kind of bonuses or in their in their evaluations related to their accuracy of identifying suspicious orders? MS. McENROE: Objection to	2 3 4 5	And based on the results and the documents from the DCs, it was being used. It was being used very effectively. And DEA as well commented on just how good and solid that program was.
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2 3 4 5 6 7 8	Q. Do you know whether they received any kind of bonuses or in their in their evaluations related to their accuracy of identifying suspicious orders? MS. McENROE: Objection to form. THE WITNESS: That, I do not	2 3 4 5 6 7 8	And based on the results and the documents from the DCs, it was being used. It was being used very effectively. And DEA as well commented on just how good and solid that program was. MR. SIMMER: Move to strike everything after "monitoring"
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Page 214	Page 2
¹ like.	¹ monitoring program in place, you would
² MS. McENROE: Yep. I can	² have put that in these criteria for the
preserve it for the record. I	³ audit, wouldn't you?
said at the time of trial we can	4 MS. McENROE: Objection to
⁵ deal with it.	5 form.
6 MR. SIMMER: That's fine.	6 THE WITNESS: I would
⁷ BY MR. SIMMER:	⁷ assume, yes.
⁸ Q. Sir, is there anywhere in	8 BY MR. SIMMER:
9 this document that you and the CSA team	⁹ Q. But you didn't. You only
o created the use of the word "suspicious"	¹⁰ talk about excessive orders in this
¹ anywhere?	document; isn't that right?
² MS. McENROE: Objection to	MS. McENROE: Objection to
³ form.	form.
THE WITNESS: I did not see	THE WITNESS: For this
that in the document, no.	specific document, yes.
⁶ BY MR. SIMMER:	16 BY MR. SIMMER:
Q. And in fact, the on the	Q. Well, did it ever change
8 items that we just looked at, the four,	18 during the time that you worked at the
⁹ five, six items that we looked at, they	¹⁹ company, that actually was one of the
o talk about excessive orders, don't they?	20 criteria that was looked at, is whether
¹ A. Yes, they did.	they had they were actually doing
Q. They don't talk about	suspicious order monitoring?
³ suspicious orders, do they, anywhere in	MS. McENROE: Objection to
4 this document?	24 form.
Page 215	Page 2
¹ A. Specifically, I did not see	THE WITNESS: That may not
it, no.	have been part of this specific
Q. So when you talked about in	program, but it was part of my
4 your answer previously that you would	self-assessment, or my audits that
they were looking for excessive and/or	5 I conducted independently of the
6 suspicious orders, it's just excessive	6 CSA team.
orders, isn't it?	⁷ BY MR. SIMMER:
8 MS. McENROE: Objection to	8 Q. And you put that in writing
9 form.	⁹ someplace?
THE WITNESS: It depends on	10 A. Oh, there's certainly
how you interpret it. But as it's	¹¹ checklists out there, yes.
written, yes.	Q. And that referred to
³ BY MR. SIMMER:	suspicious order monitoring program,
4 Q. Well, the words are the	right?
5 words used in the document that you and	15 A. Yes, yes.
•	Q. And where would we find that
6 the CSA team created, right?	
the Conticum created, 11511.	1±7 document?
7 MS. McENROE: Objection to	document.
 MS. McENROE: Objection to form. 	A. It it should be in my
7 MS. McENROE: Objection to 8 form. 9 THE WITNESS: That's	A. It it should be in my documents that I had when I was with the
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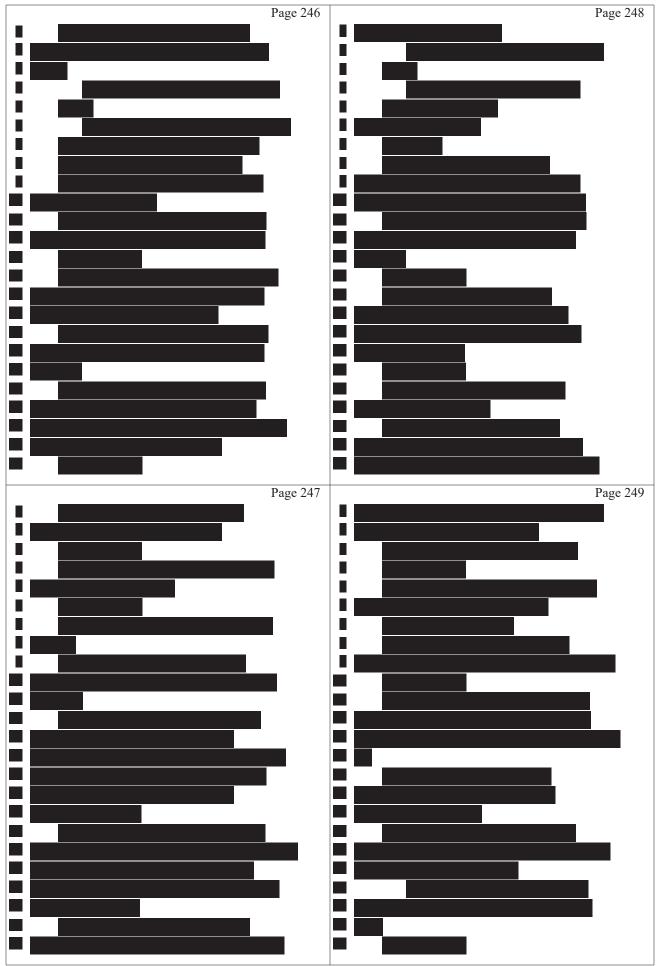


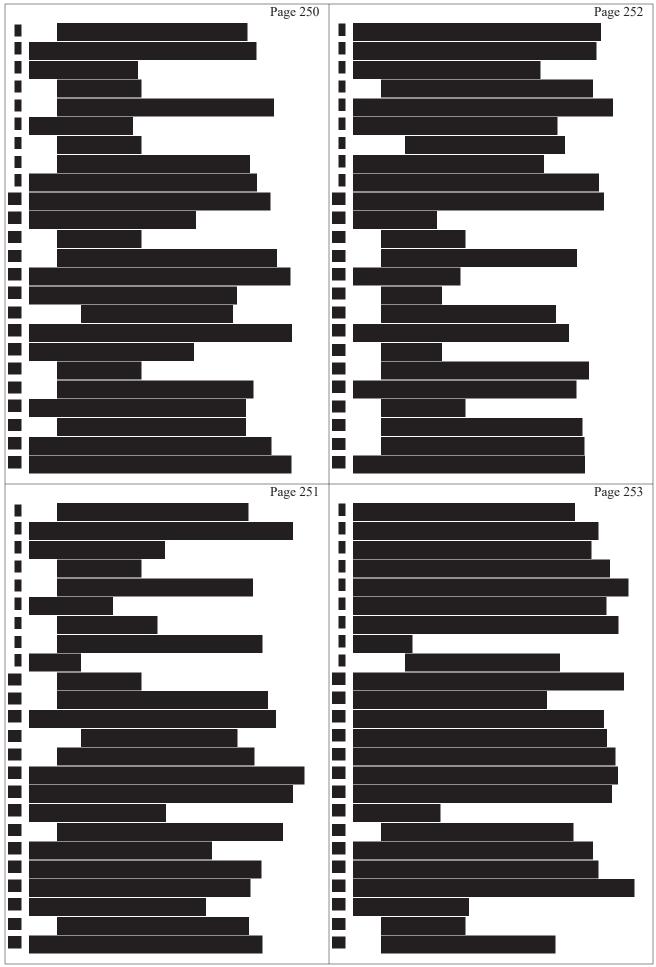




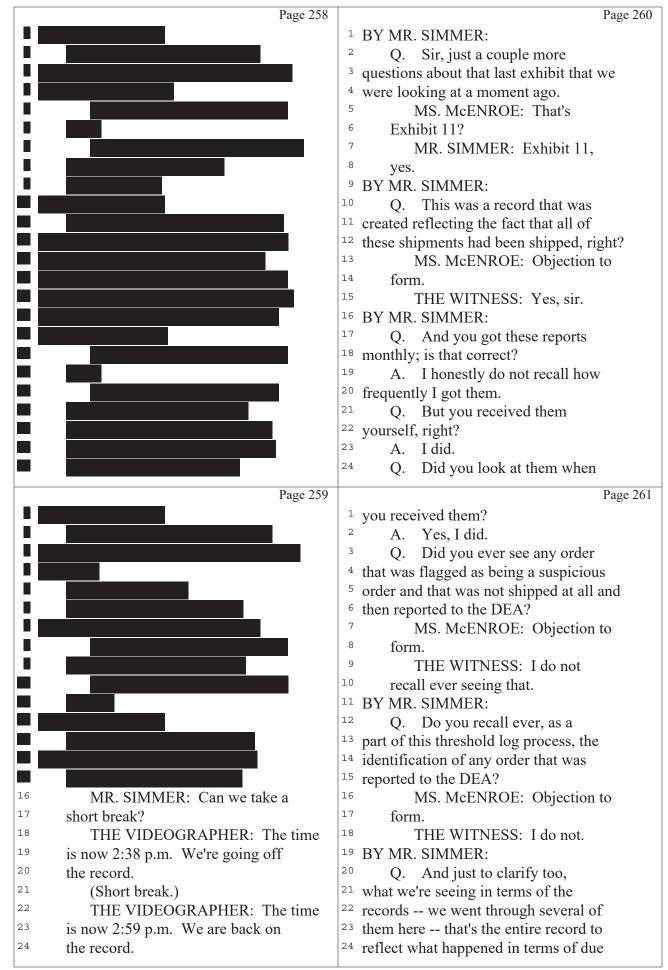


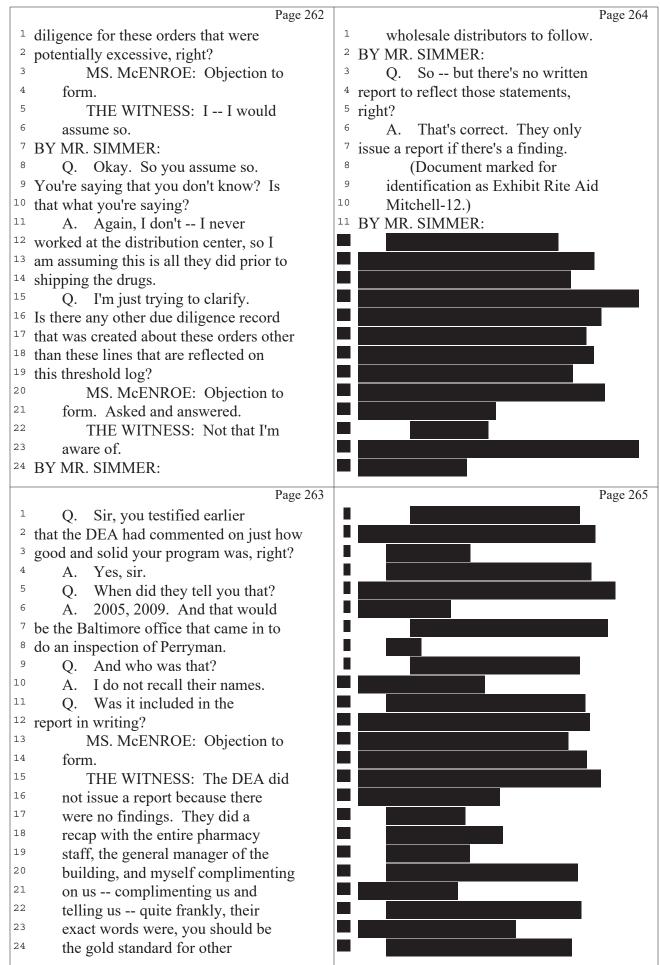


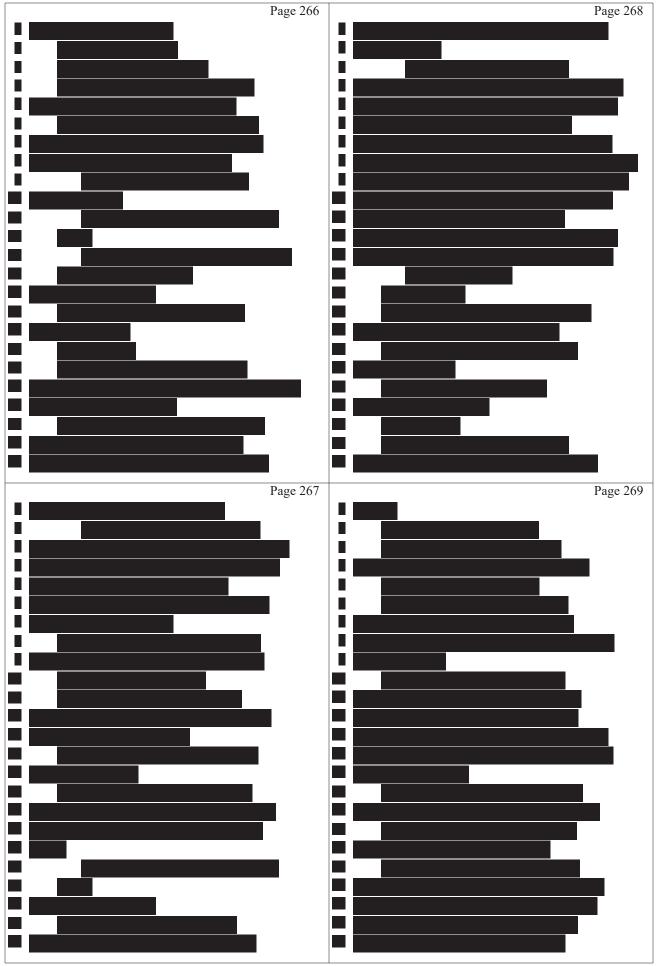


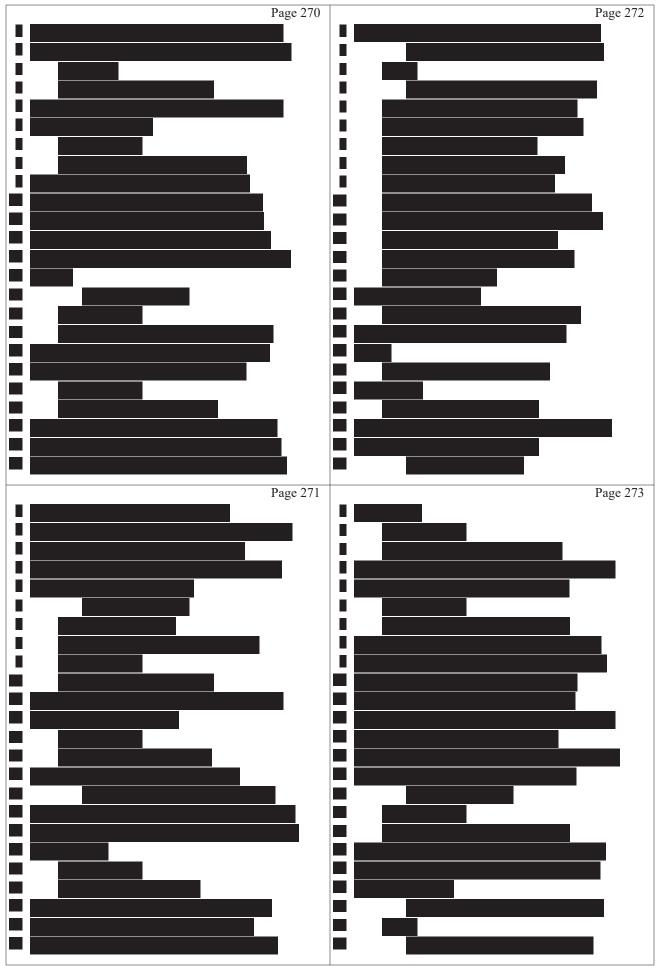






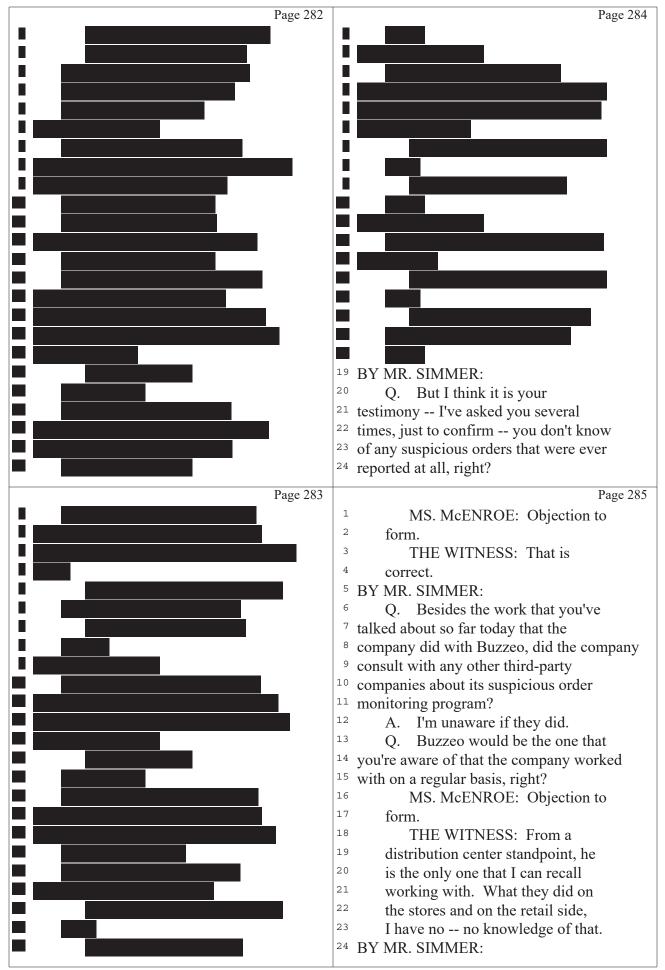


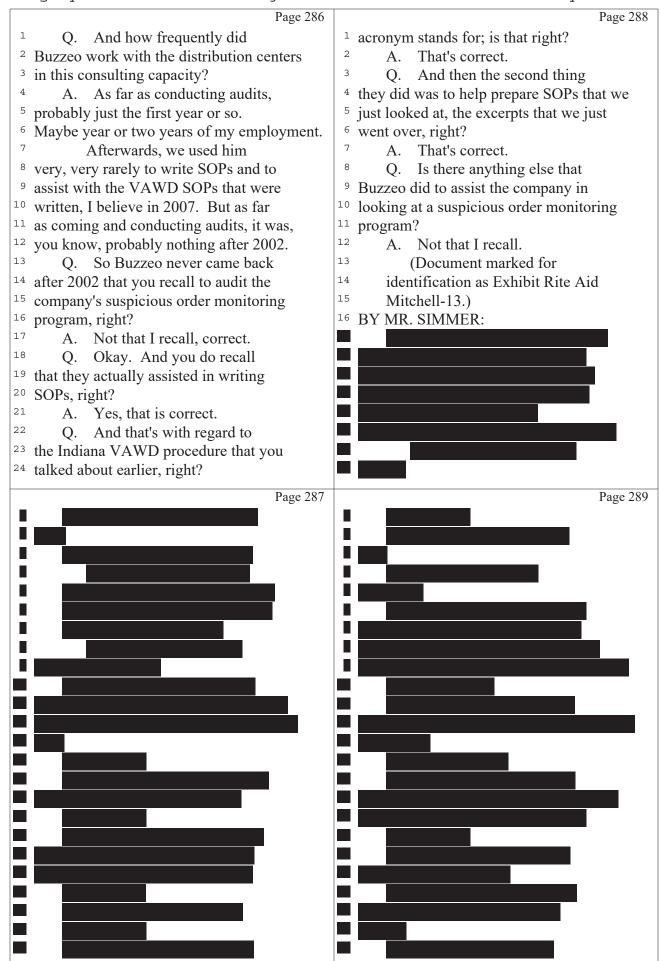


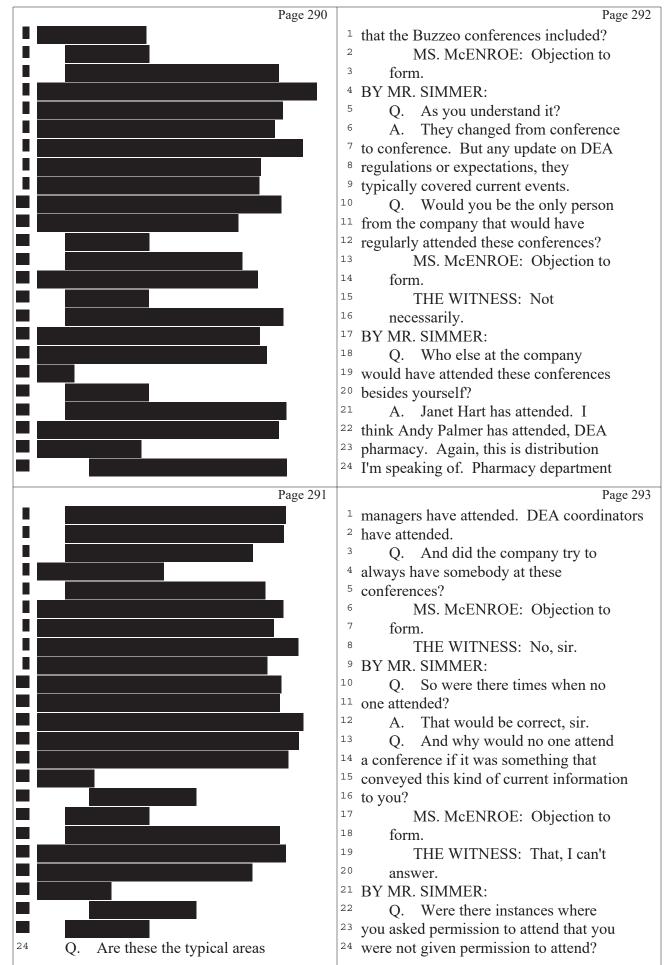


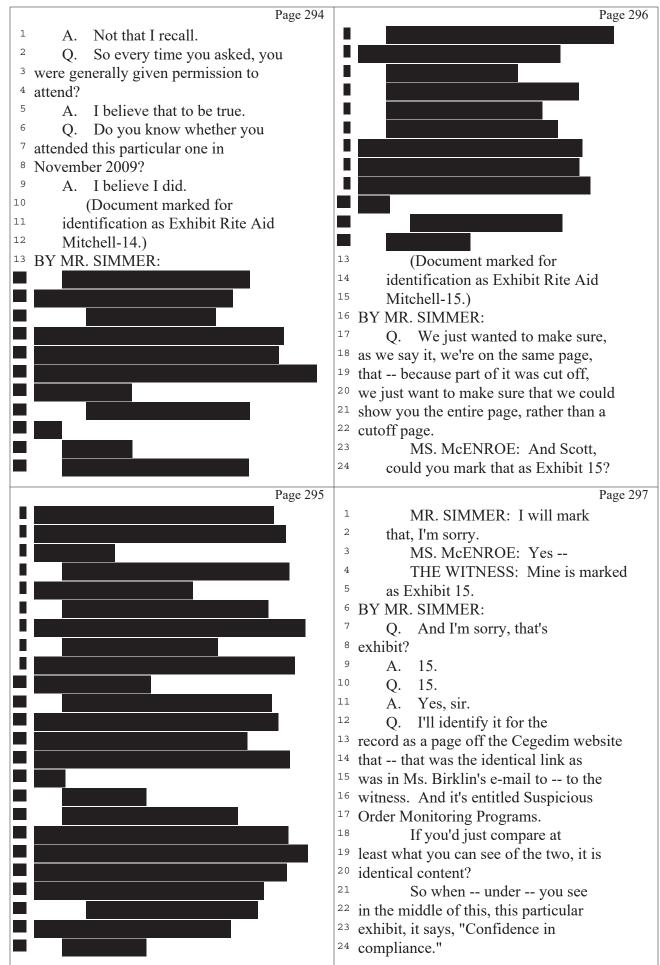


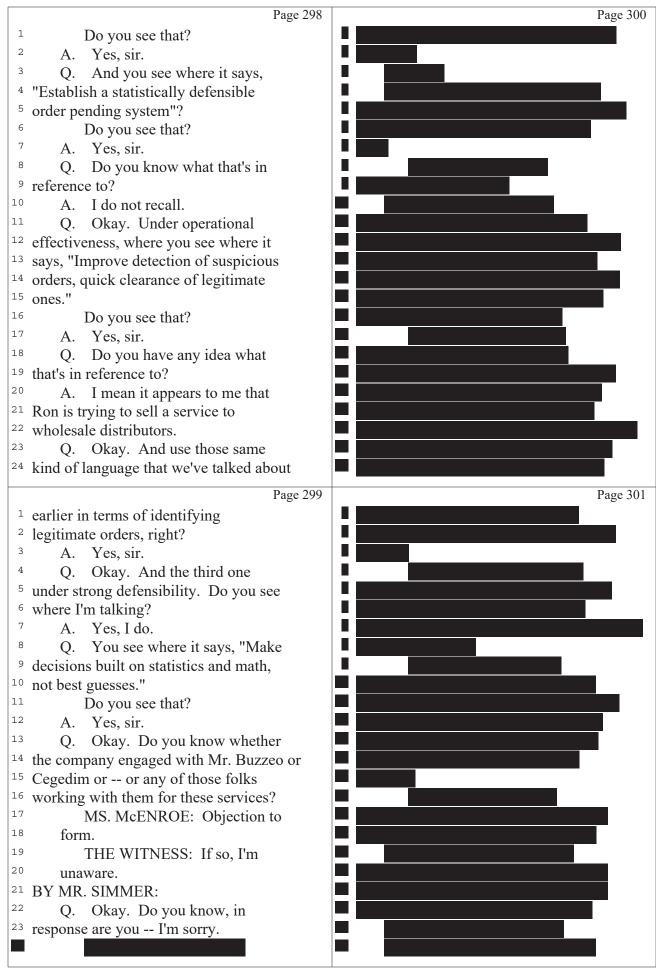


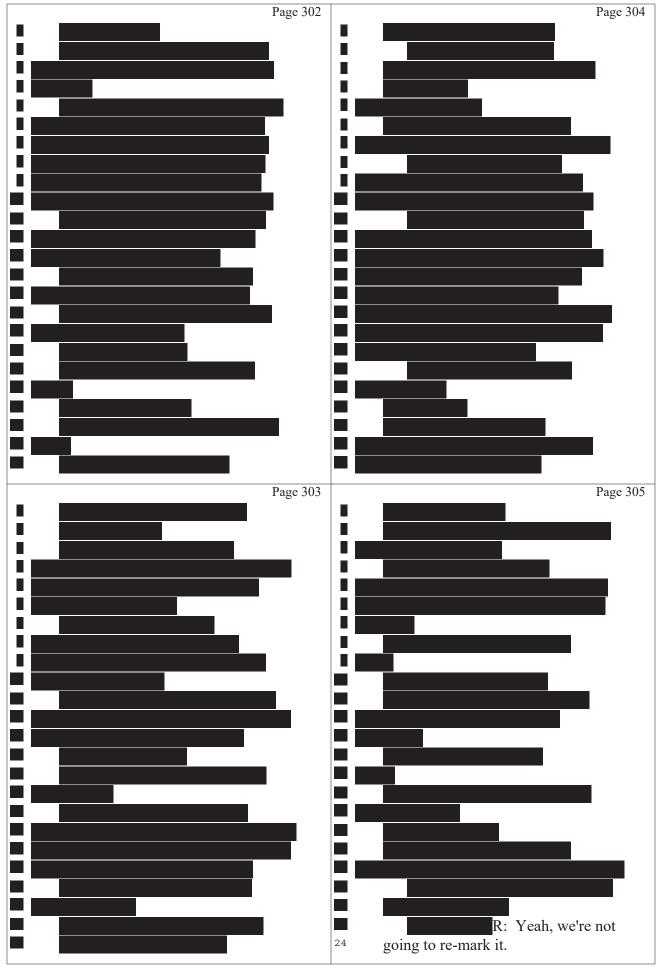






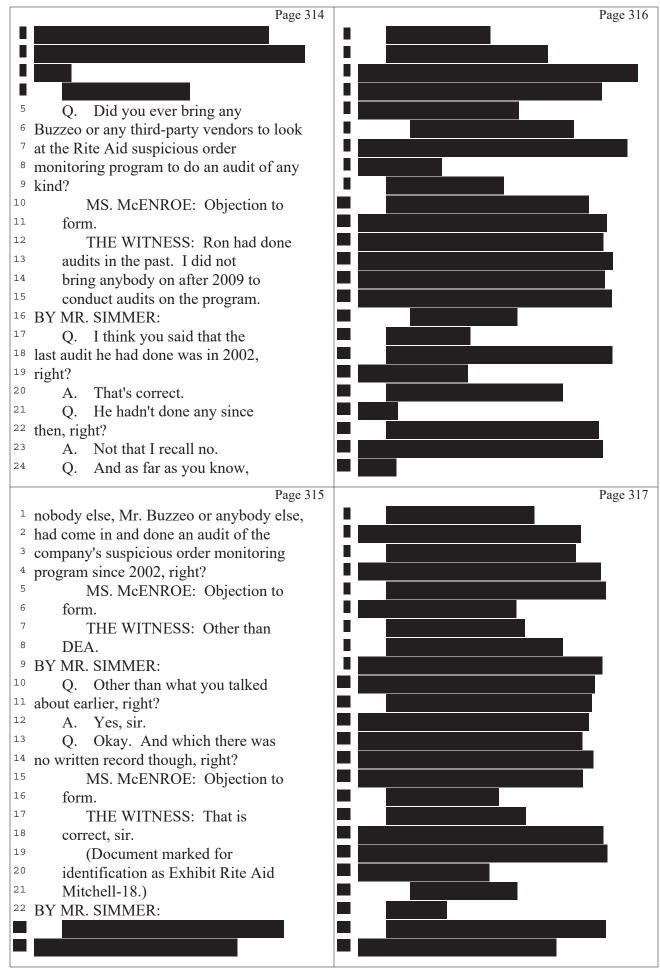


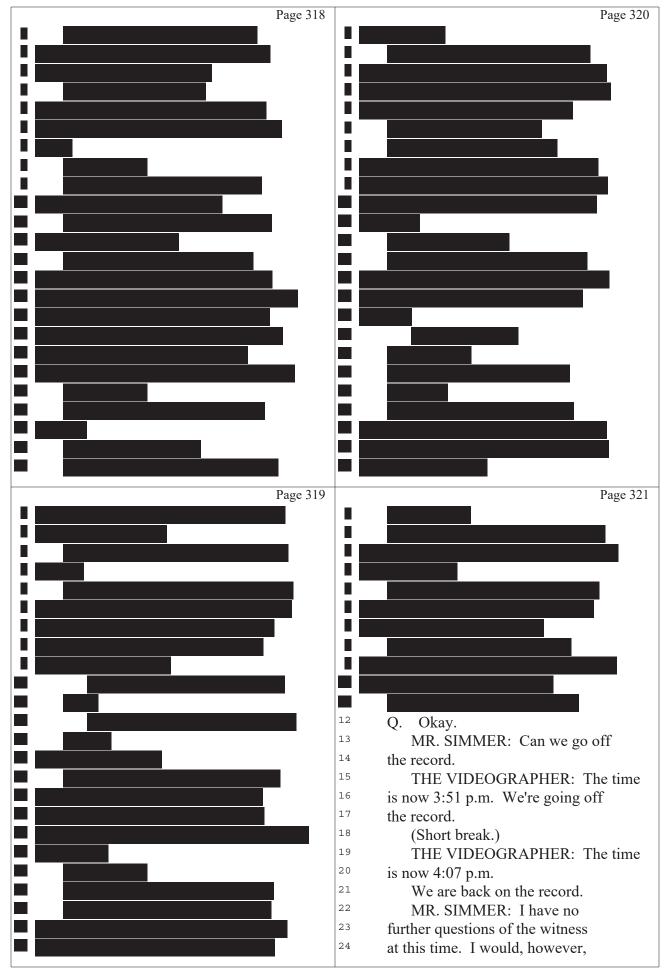


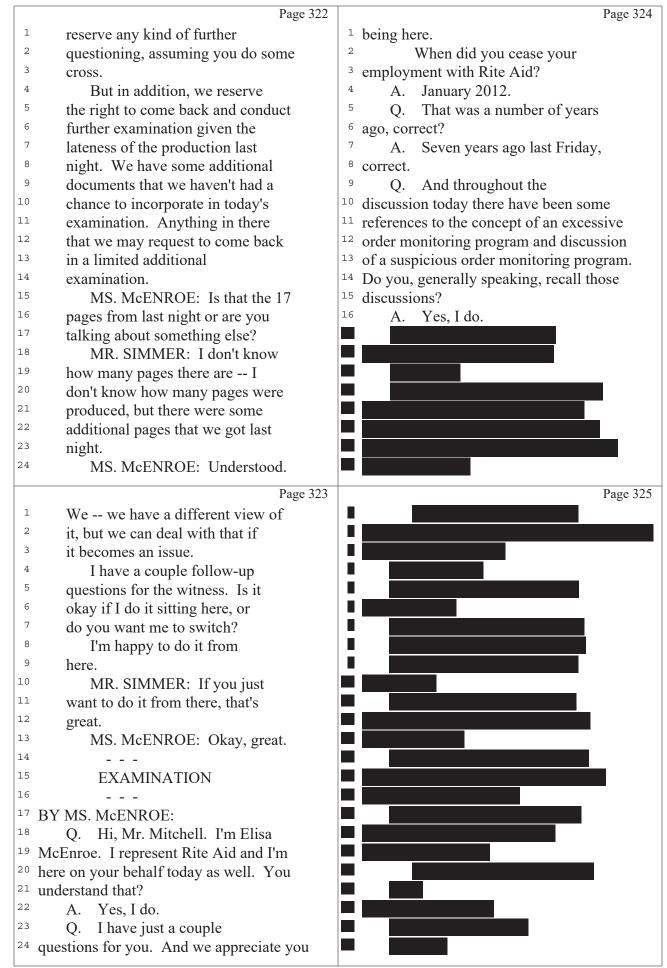


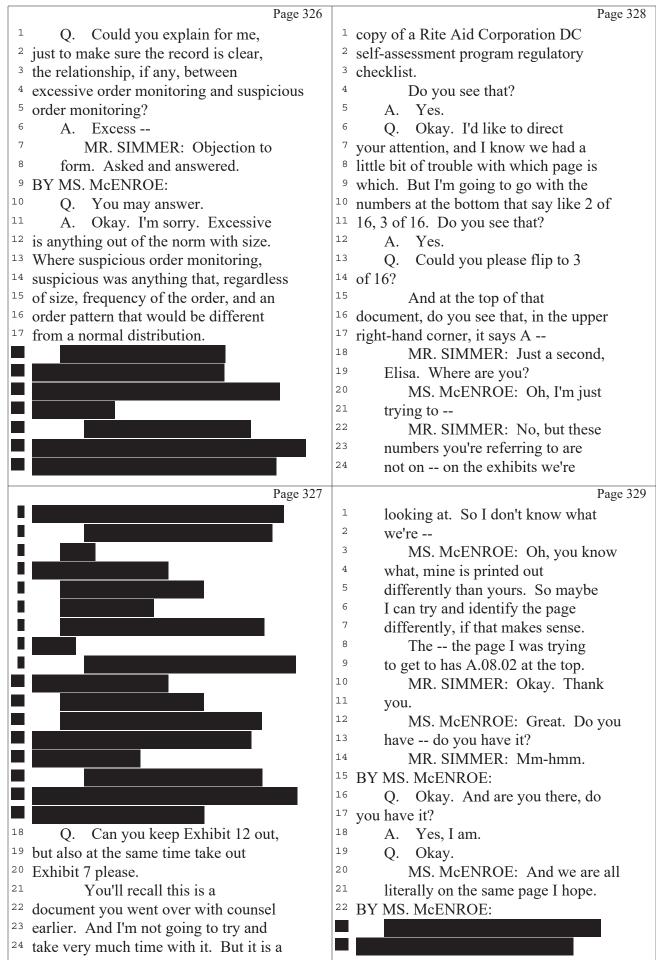


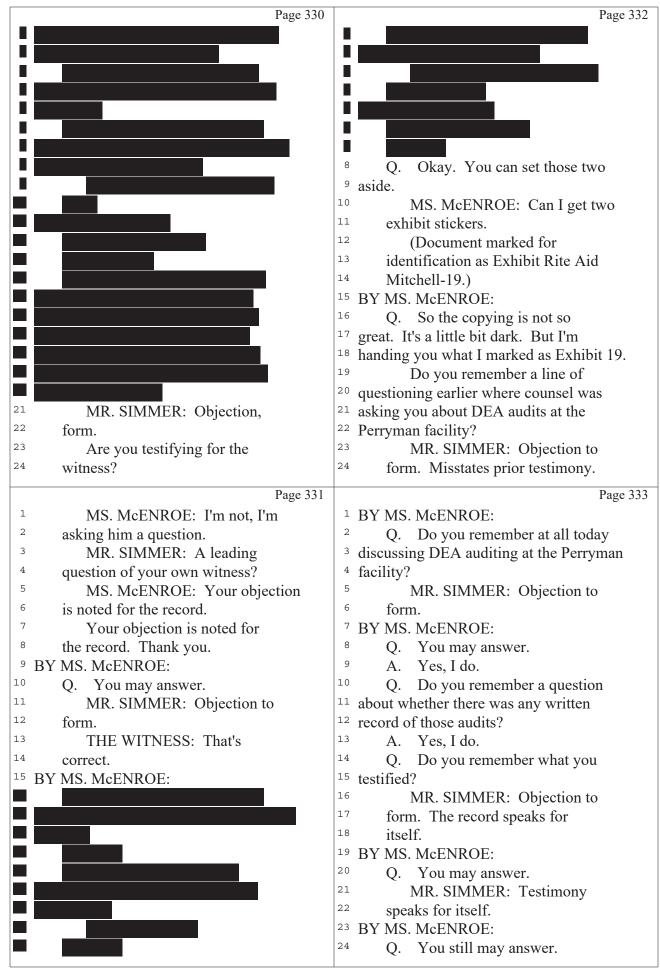


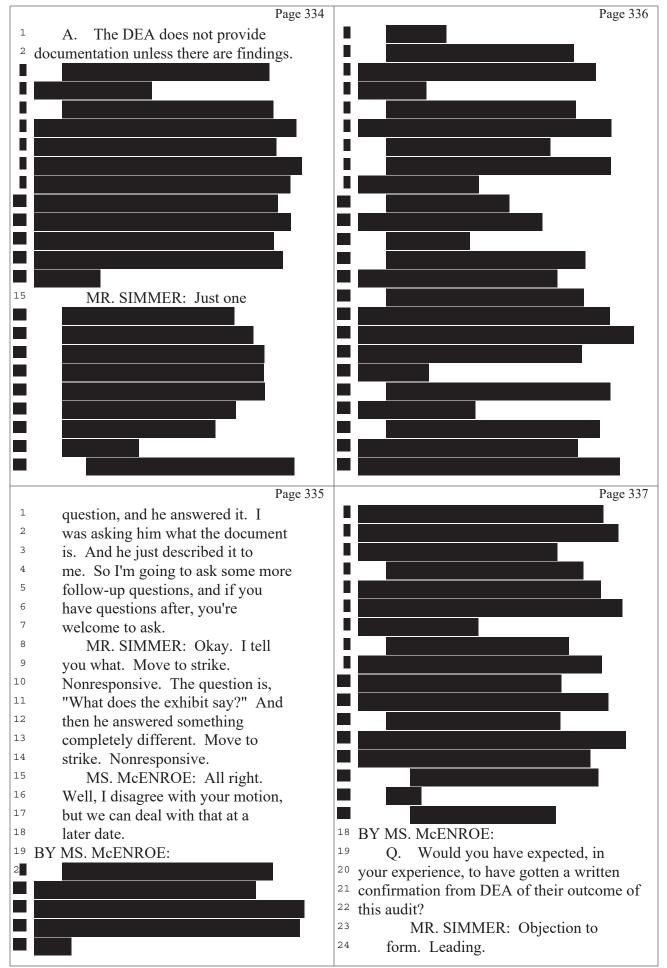


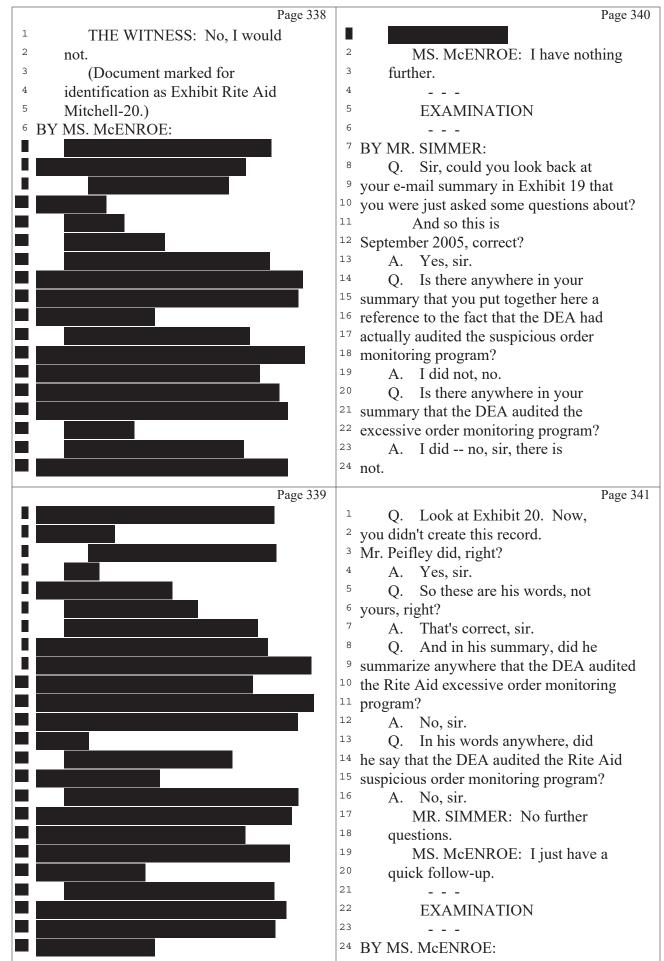












	righly Confidential "- Subject" to		
	Page 342		Page 344
1	Q. Looking at ooth Exmons 1)		have reviewed in order to evaluate the
2	and 20, do you have a recall of an	2	excessive order monitoring program,
3	understanding of whether the DEA actually	3	iigiit.
4	would have audited, looked at, the	4	MS. McENROE: Objection to
5	encessive of suspicious order memoring	5	form.
6	policies as part of these audits?	6	THE WITNESS: I recall them
7	MR. SIMMER: Objection to	7	looking at all of our SOPs as well
8	form. Document speaks for itself.	8	as the log that was presented
9	BY MS. McENROE:	9	today as we were talking about,
10	Q. You may answer.	10	you know, what the DCs do.
11	71. I can only speak to the	11	BY MR. SIMMER:
12	addit in 2005 because I was physically	12	Q. And as you've testified
13	there during that audit. It was a very	13	multiple times today, at no time had
14	comprehensive addit and, yes, they are	14	there been ever a report of any
1	review the excessive order monitoring	15	suspicious orders of any kind, right?
16	program as well as the documents that the	16	MS. McENROE: Objection to
17	be was armizing upon earning stores.	17	form.
18	2007, I have no reconcetion	18	THE WITNESS: That's
	of that at all.	19	correct. As far as I know, that's
20	Q. Do you believe do you	20	correct.
1	have any reason to believe that they did	21	BY MR. SIMMER:
22	not dualit the excessive of suspicious	22	Q. So those logs only reflect
23	order membering programs in 2009.	23	some suspicious orders excuse me
24	MR. SIMMER: Objection as to	24	strike that.
	Page 343		Page 345
1	form.	1	Those logs reflect a series
2	THE WITNESS: I have no	2	of potentially excessive orders where a
3	reason to believe, but again, I	3	call was made to the pharmacy, and some
4	have no knowledge that they did or	4	of which were increased over the
5	they didn't.	5	threshold, others were not, right?
6	MS. McENROE: Thank you. No	6	MS. McENROE: Objection to
7	further questions.	7	form.
8		8	THE WITNESS: I don't recall
9	EXAMINATION	9	any being increased. But yes, the
10		10	document is what you are
11	DI WIK. SHVIIVIDIK.	11	referencing.
12	Q. Just a couple follow-ups.	12	BY MR. SIMMER:
13	You said you just answered that you	13	Q. Well, we looked at some of
14	seneve mey ara m 2003. 13 years ago,	14	the examples in the one log we looked at
15	that's your reconcerton that they ara,	15	where the pharmacist said, "I need the
1	right?	16	entire shipment," right?
17	A. 105, 511.	17	A. That's correct.
18	Q. This the records that they	18	Q. And so that was approved in
19	weard have reviewed, those weard have	19	those instances, right?
20	been those excessive order logs we looked	20	MS. McENROE: Objection to
	, 1.5	21	form.
22	11. 103, 311.	22	THE WITNESS: It was not
23	Q. There's houning else in the	23	above the threshold.
124	distribution center logs that they could	24	BY MR. SIMMER:
19 20 21	Q. And the records that they would have reviewed, those would have been those excessive order logs we looked at, right?	19 20 21	Q. And so that was approved in those instances, right? MS. McENROE: Objection to form.

	Page 346		Page 348
1	Q. And in some of those	1	
2	examples they were, right?	2	CERTIFICATE
3	MS. McENROE: Objection to	3	
4	form.	5	I HEREBY CERTIFY that the
5			witness was duly sworn by me and that the
	THE WITNESS: There was one,	6	deposition is a true record of the
6	if if it's the one that you had	7	testimony given by the witness.
7	highlighted that I recall, maybe	'	It was requested before
8	fourth from the bottom, that was	8	It was requested before completion of the deposition that the
9	already an exception.		witness, KEVIN MITCHELL, have the
10	So that was that was a	9	opportunity to read and sign the
11	little bit different than the rest	10	deposition transcript.
12	of these.	11	
13	BY MR. SIMMER:	12	
14	Q. But the point here is that	12	MICHELLE L. GRAY,
15	the only thing the DEA actually looked at	13	A Registered Professional Reporter, Certified Shorthand
16	were those records, right?	14	Reporter, Certified Shorthand Reporter, Certified Realtime
17	MS. McENROE: Objection to		Reporter and Notary Public
18	form.	15 16	Dated: January 21, 2019
19	THE WITNESS: That would be	17	
20	correct.	18	(The foregoing certification
21		19	of this transcript does not apply to any
22	MR. SIMMER: Yeah, nothing	20	reproduction of the same by any means,
	further.	22	unless under the direct control and/or supervision of the certifying reporter.)
23	MS. McENROE: I have nothing	23	supervision of the certifying reporter.)
24	further. Thank you so much,	24	
	Page 347		Page 349
1		1	
-	Mr. Mitchell.	1	INSTRUCTIONS TO WITNESS
2		1 2	INSTRUCTIONS TO WITNESS
	Mr. Mitchell. MR. SIMMER: Thank you. THE VIDEOGRAPHER: The time		
2	MR. SIMMER: Thank you. THE VIDEOGRAPHER: The time	2	Please read your deposition
2	MR. SIMMER: Thank you. THE VIDEOGRAPHER: The time is now 4:26 p.m. This concludes	2 3 4	Please read your deposition over carefully and make any necessary
2 3 4	MR. SIMMER: Thank you. THE VIDEOGRAPHER: The time is now 4:26 p.m. This concludes today's deposition. We're going	2 3 4 5	Please read your deposition over carefully and make any necessary corrections. You should state the reason
2 3 4 5	MR. SIMMER: Thank you. THE VIDEOGRAPHER: The time is now 4:26 p.m. This concludes today's deposition. We're going off the record.	2 3 4 5	Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata
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1	¹ LAWYER'S NOTES
ERRATA	² PAGE LINE
2	3
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⁴ PAGE LINE CHANGE	5
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6 REASON:	7
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1	
2 ACKNOWLEDGMENT OF DEPONENT	
3	
⁴ I,, do ⁵ hereby certify that I have read the	
6 foregoing pages, 1 - 352, and that the	
7 same is a correct transcription of the	
8 answers given by me to the questions	
9 therein propounded, except for the	
10 corrections or changes in form or	
substance, if any, noted in the attached	
¹² Errata Sheet.	
13	
14	
15	
16 KEVIN MITCHELL DATE	
17	
18	
¹⁹ Subscribed and sworn	
to before me this	
20 day of, 20 21 My commission expires:	
21 My commission expires:	
22	
23 Notary Public	
24	